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Promoting Gender Equality in Media Content

A Limitation or Extension of Freedom of Expression?

Maria Edström and Eva-Maria Svensson¹

Introduction

Is promoting gender equality in media content a limitation or an extension of freedom of expression? The question addressed in this chapter, circles around the complicated intertwining of “freedom of expression” and “gender equality.” They are both present as political values essential in a democratic system, as legal principles, and as human rights. Whereas freedom of expression has long been safeguarded in many international and national legal instruments, gender equality was established as a human right more recently.

Freedom of expression, or free speech, can be understood to have two basic aspects in democratic constitutional systems: non-censorship and diversity of voices (see [Kenyon et al., 2017](#); [Lichtenberg, 1990](#)). It is protected and promoted in different ways, usually through a combination of regulation and self-regulation. However, the media industry is often reluctant to be regulated by legislative power and claims that free media and freedom of expression are best safeguarded without state interference and through self-regulation rather than legislation. Gender equality is a globally acknowledged goal and is related to both aspects of free speech, non-censorship, and diversity of voices. The concept of gender equality addresses primarily the relationship between men and women, or women as a group. As numerous research projects around the world have indicated, women’s voices are still lacking in media content and stereotypical gender images are abundant. Women’s voices are especially lacking in the news media: only 25% of the news subjects in the global news are women, according to Global Media Monitoring Project ([Macharia, 2021](#)). The imbalance in news reporting has an impact on all media content, due to the agenda setting function of the news. This has been especially visible during the COVID-19 pandemic, where women’s presence and perspectives have been missing

in the news ([Kassova, 2020](#)). What is more, sexist hate speech and online violence, i.e. clearly misogynist utterances, may silence those who are targeted, often women (see section *Challenges to Freedom of Expression*). This kind of speech is supported by anti-gender movements, and is also encouraged by some states (see section *Challenges to Gender Equality*). Fulfilling the goal of gender equality in media content through regulation is often perceived as a limitation of freedom of expression by the media industry as well as policymakers. We argue that both self-regulation and regulation through legislation are needed to achieve gender equality in media content, when it comes to eliminating gender stereotypes and combating sexist hate speech. More active measures can be seen as a way to promote diversity of voices and to safeguard women's voices, and not (as they are often claimed to be) a form of censorship. Measures to safeguard gender equality in the media can be understood as a means of *expanding* freedom of expression.

This chapter elaborates on the definitions of freedom of expression and gender equality and gives an overview of the relationship between gender equality in the media and freedom of expression as articulated in global commitments. The primary global commitments are: the 1979 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the 1995 Beijing Declaration and Platform for Action, and the 2030 Agenda for Sustainable Development. This chapter will also give examples of national and regional efforts to bridge the gap between these two fundamental rights, whether through regulation, self-regulation, or policies.

We also discuss current challenges and the possibility to expand freedom of expression through safeguarding and promoting a gender equal media content. We argue this requires a mixed approach that combines a human rights-based standpoint with a democracy and “common good” approach, and that in addition highlights the role of the state as either active or passive. If a gender equal media content is to be achieved it requires a system that goes far beyond protecting the individual right to free speech (considered as a “negative liberty”) and a right not to be discriminated against. It requires a system reframing how free speech is understood, not only as a common good but also as a “positive liberty” ([Kenyon, 2021](#); [Kenyon et al., 2017](#)).

Freedom of Expression and Gender Equality – Conflicting Principles?

The two principles freedom of expression and gender equality are both fundamental values expressed and declared in an extensive body of political and legal documents, yet not fully implemented. They are political and legal goals to be achieved with active measures, and responsibility for their implementation lies on the State Parties and, indirectly, on other actors.

They are expressed as individual rights and freedoms in legal instruments, but also as societal goals in political documents, as essential for democracy and for the common good. Freedom of expression is firmly established as a cornerstone in democratic systems around the world and as such is safeguarded in many international and national legal instruments. However, gender equality, despite having been for many years established as a legal principle, a human right, and a societal goal, remains more disputed. As concepts, neither freedom of expression nor gender equality are very precise. Rather they tend to be contextually interpreted and understood in association with ideas of the relationship between the individual and the state, the role of the state, and the socio-economic situation in which they are played out.

The current global politically agreed agenda, the 2030 Agenda for Sustainable Development, emphasizes gender equality (Goal 5), while freedom of expression is given a more indirect focus. Goal 16 on Peace, Justice and Strong Institutions embraces public access to information as one of the goal's targets. Gender equality is both a separate goal (Goal 5) and a crosscutting theme throughout all the 17 goals of Agenda 2030; it is seen as both an individual goal and a pre-requisite for the entire sustainable development agenda. "The 17 Sustainable Development Goals (...) seek to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls. They are integrated and indivisible and balance the three dimensions of sustainable development: the economic, social and environmental." ([United Nations, 2015](#), Preamble, see also Art. 20).

In the media sphere the two principles, freedom of expression and gender equality, are not always easy to combine. Put simply, two contradictory approaches on how to achieve these goals are possible; passive and active. The passive approach means that the state should refrain from interfering with the media, and the active means that the state and other actors such as the media industry should take steps to support and safeguard free speech for all ([Kenyon, 2016](#); [Kenyon et al., 2017](#); [Pickard, 2020](#)). The same goes for gender equality. In the following, we will discuss freedom of expression with its challenges and then gender equality and its challenges.

Freedom of Expression

Freedom of expression, or in short free speech, is commonly valued for multiple reasons ([Kenyon et al., 2017](#)). Besides it being necessary for democratic forms of self-government, it is also said to aid in discovering truth or developing knowledge and to serve people's search for self-development or autonomy ([Petäjä, 2006](#)). It is the first reason, the democratic rationale for free speech, which is in focus here. This is the most frequently considered free speech rationale

within law (see e.g. [Barendt, 2005](#), p. 20). It is implicit in much journalism and media research that considers the central role for media in democratic society as encompassing at least three tasks: providing information, acting as a watchdog, and offering a space for public debate (e.g. [Carlsson, 2015](#)).

Freedom of expression as a legal principle is expressed in various international, regional, and national legal instruments, in most as a relationship between the state and the citizen. For example, the European Convention on Human Rights states, “(e)veryone has the right to freedom of expression (Art. 10). Moreover, the right should be enjoyed ‘(...) without interference by public authority’ (ibid)”. The Constitution of the United States of America has a similar text: “Congress shall make no law (...) abridging the freedom of speech, or of the press...” (First Amendment, US Constitution). A non-interfering state seems to be a precondition for citizens’ freedom to express themselves ([Svensson & Edström, 2016](#)).

The ways in which countries protect and promote freedom of expression differ greatly. Journalism has for a long time been emphasized as important in upholding the relationship between the state and the citizens. This is reflected in, for example, the Swedish Press Act (the first from 1776 with the status of a constitution) and in the First Amendment of the US Constitution ([1791](#)). It follows that systems for safeguarding the independence of media are essential. A free press has the role of acting as “a controlling power, indispensably necessary to the maintenance of good government” ([Svensson & Edström, 2016](#), p. 6, quoting Hilding Eek, 1942). In Swedish jurisdiction, freedom of expression is not only expressed as a right for the individual in relation to a non-intervening state, but also and primarily as a common good, thus emphasizing the democratic rationale of free speech. A complex system of legislation and self-regulation of the tripartite relationship between the state, the citizens, and the media is provided in the Swedish legislation in order to guarantee freedom of expression in the name of democracy.

Co-regulation is increasingly used as a concept to describe the need for collaboration of some form between public and private interests to achieve a public goal, and to link up non-state regulatory systems (in this chapter self-regulation) with state regulation (in this chapter legislation). Even though the concept is defined in various ways, there seems to be one basic assumption that all definitions have in common: co-regulation consists of a state and a non-state component to regulation ([Furnémont & Smokvina, 2017](#)). One problematic aspect with this concept is, we believe, that it seems to equalize legislation and self-regulation when it comes to matters of power and enforcement systems, although public and private actors have different mandates, power, and enforcement systems. At the same time, an increased focus on

collaboration between public and private actors to achieve public goals could strengthen the commitments regarding not only freedom of expression but also gender equality. Securing and protecting freedom of expression requires intervention by the state, for example, in safeguarding the independence of media or protecting citizens' right to access information held by public authorities. Likewise, securing gender equality needs state intervention, although this might be sensitive for the media.

The role of law in the newsroom is a tricky one. Journalists rightly resist judicial interference in editorial matters, but the support of the courts is welcome, particularly when it exposes violations of free expression or to highlight the public importance of journalism. (Media law, *Accountable Journalism* website, [n.d.](#))

Within formal democratic constitutional systems free speech can, as mentioned in the introduction, be understood to have two basic aspects: non-censorship and diversity of voices, each of them related to negative and positive liberty of freedom of expression, respectively (e.g. [Kenyon et al., 2017](#); [Lichtenberg, 1990](#)). Our focus here is on diversity of voices. If the goals that free speech is said to serve are to be plausible, multiple voices are needed (e.g. [Gibbons, 2012](#); [Lichtenberg, 1990](#)). Diversity of voices promotes a diverse media content, involving a wide range of subjects, information, genres, and viewpoints. Such diversity allows the public to participate in free and varied debate or to observe others engaged in such debate ([Kenyon et al., 2017](#)). Accountability is another important element of the democratic rationale for free speech. Democratic forms of government are commonly said to be aimed at holding power to account, in part through mediated speech. Public speech is not just directed by those with power, it is not only subject to prevailing social powers, but interrogates those with power ([Kenyon et al., 2017](#)).

Who has responsibilities for encouraging diverse media speech? Possible actors include the state, market, civil society, journalists, and editors. Of course, states are not absent from markets: regulating a commercial market while refraining from directly regulating speech is, in itself, a particular form of state influence on speech. State influence cannot be avoided; the question is whether a particular form of state action is justified, or indeed required, by free speech. While in the US, for example, the state might generally be understood as "restricted" in its role, and in Europe the states are expected to be "more active," the state plays "a significant role in shaping the media system in any society" ([Hallin & Mancini, 2004](#), p. 41, 49). The state's enabling function for democratic free speech is highlighted explicitly in Sweden, where state policy has a role in promoting and deepening democracy through safeguarding free speech and creating the prerequisites for plurality ([Kenyon et al., 2017](#)).

Challenges to Freedom of Expression

Freedom of expression is exposed to various challenges. State initiatives to restrict freedom of expression are well known and widely discussed; for example, when it comes to censorship and state-controlled television. There are also threats from groups and individuals who want to limit the concept of freedom of expression, especially when it comes to religion or belief (e.g. the threats against Salman Rushdie for writing *The Satanic Verses*, the controversy over cartoons of Mohammed, and the 2015 attack on the satirical magazine *Charlie Hebdo*). Lately, hate speech online has emerged as a societal problem, especially online sexist abuse targeting women ([Bladini, 2020](#)). Journalists are under threat, and studies have found that female journalists are especially exposed to sexist hate speech and threats ([OSCE, 2020](#)).

In addition to these challenges, there is another that is not as widely discussed: the pressures on freedom of expression from the market ([Svensson & Edström, 2016](#)). Newspapers are under pressure from decreasing revenues due to technological developments and changing media business models. New forms of collaboration emerge between editorial and commercial interests, resulting in advertising dressed as journalism, such as native advertising and other forms of sponsored and paid-for content ([Piety, 2012](#)). Concerns have also been raised about the risks to freedom of expression due to media industry ownership concentration, especially when it comes to the problem of one-sided views and agendas ([Baker, 2007](#); [Byerly, 2018](#); [Kenyon, 2021](#); [McChesney & Pickard, 2011](#); [Rønning, 2013](#)). At the same time, there have been increased demands to strengthen the legal protection for commercial messages. The traditional emphasis on protecting primarily political speech has been extended to encompass commercial speech ([Heide-Jørgensen, 2013](#); [Piety, 2012](#)). In other work, we have introduced the concepts democracy-driven and market-driven challenges to freedom of expression to capture a transformation in the media landscape, in which freedom of expression has been remodeled in line with the principle of the right to conduct a business ([Svensson & Edström, 2016](#)). These market-driven challenges have implications for systems of freedom of expression, and for media content. Gender equality, in media content or as representation of voices, has not so far been a priority for the market.

Gender Equality – A Transformative Concept ⁱⁱ

Gender equality as a legal commitment is declared in human rights instruments and other legislation at international, regional, and national levels. Early legal concepts are “equal rights

of men and women” and “non-discrimination” (see e.g., the 1966 International Covenant on Civil and Political Rights [ICCPR], Arts. 3 and 26). ICCPR promises non-discrimination, and also has a self-standing provision that promises equal enjoyment of the human rights in the treaties. This means that the State Parties are obliged to take measures to fulfill these obligations.

The most important human rights instrument when it comes to women’s human rights is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), enacted in 1979. CEDAW demands far-reaching obligations from the States Parties. When ratifying the convention, the States Parties agree to pursue – by all appropriate means and without delay – a policy of eliminating discrimination against women, including gender stereotyping. Also, they agree to adopt appropriate legislative and other measures – including sanctions where appropriate – to prohibit all discrimination against women and to refrain from engaging in any act or practice of discrimination against women. Moreover, they agree to ensure that public authorities and institutions shall act in conformity with this obligation, to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise, and to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against women. According to the Convention, gender stereotyping is considered an obstacle to gender equality and constitutes a form of discrimination ([Svensson & Edström, 2014](#)).

States Parties shall 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. (CEDAW 1979, Art. 5.)

The overall aim to enhance women’s equality and freedom and to eliminate all forms of discrimination against women should, according to Rikki Holtmaat, be divided into the following three sub-aims: to ensure full equality of women before the law; to improve the *de facto* position of women; and to eliminate gender-based stereotypes ([Holtmaat, 2013](#), p. 95). The sub-aims are linked to three possible political and legal methods; guaranteeing women’s individual rights, providing social support to women, and enhancing social and cultural change. This last method is the one most relevant to the aim of eradicating gender stereotypes.

Holtmaat argues that the provision in CEDAW on gender stereotypes forms the basis for an approach that goes beyond the well-known distinction between formal (equal treatment) and substantive (equal opportunities) equality, and includes the concept of transformative (positive

measures to bring change) equality ([Holtmaat, 2012](#)). CEDAW might thus be read as not only prohibiting direct and indirect discrimination, but also as placing an obligation on States Parties to combat systemic or structural gender discrimination. According to [Holtmaat \(2012\)](#), this interpretation is supported by the CEDAW Committee's general recommendations, its concluding observations, and its decisions under the 1999 Optional Protocol. A difficult question is whether this requirement for fundamental changes in society can effectively impose an obligation on States Parties to bring about the changes. The commitment for States Parties is not only directed toward the state itself to avoid perpetuation of gender stereotypes through laws, policies, and practices. The States Parties are also obliged to eliminate and remedy the perpetuation of gender stereotypes through other means, such as through the media. If a country fails to adopt legal measures to implement such means, the state actually legitimizes gender stereotyping, i.e. it provides a legal framework to enable the perpetuation of discrimination ([Cook & Cusack, 2010](#), pp. 36–37).

CEDAW and other legal and political commitments address the problem of discrimination of women and aim to eliminate such discrimination, both in general and when it comes to gender equality in the media. However, CEDAW for example, could be interpreted in an intersectional way. According to Holtmaat a legal analysis of the object and purpose of the Convention reveals that CEDAW, in particular article 5a (which requires modification of “cultural patterns of conduct”), could be instrumental in addressing at least some aspects of LGBTI rights. However, as of 2015 this possibility had not been used by the monitoring bodies to any particular extent ([Holtmaat & Post, 2015](#)). We have observed that this goes also for other measures regarding gender equality in media: the emphasis is primarily on women.

The State Party is responsible also for non-state actors, and a State Party can be held legally responsible for any failure to act with due diligence to prevent, investigate, deter, punish, and remedy wrongful gender stereotyping by non-state actors. The market, as one of the non-state actors, has its own codes of conduct (see Section 4 of this chapter). When it comes to gender stereotypes in advertising, many jurisdictions have self-regulatory systems. According to the CEDAW obligations, if the self-regulatory systems are not able to eliminate wrongful gender stereotyping, the State Party can be held legally responsible for its failure ([Cook & Cusack, 2010](#), pp. 89–90). CEDAW is the first and only human rights treaty that actually obliges the States Parties to combat gender stereotypes in social and cultural life. The obligation for States Parties is evident and one might ask whether all appropriate measures are in fact being taken in order to eliminate wrongful gender stereotyping or discriminatory practices and customs when it comes to advertising ([Svensson & Edström, 2014](#)) and other media content. The CEDAW

Committee has in several general recommendations repeatedly addressed the role of the media in the efforts to eliminate gender stereotypes, most extensively in No. 35 but also for example in No. 26, 27, and 33. In 2020, in general recommendation No. 38, the Committee also addressed the responsibility of social media platform providers.ⁱⁱⁱ

On a regional level there are examples of conventions that support CEDAW and the work to eliminate violence against women and gender stereotypes. The American states agreed upon the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém Do Pará) in 1994 (OAS 1994). Article 8 shows that the States Parties have agreed to progressively undertake specific measures, including programs to “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.” The Member States of the Council of Europe agreed in 2011 to adopt the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The Convention is a legal instrument that sets out binding obligations to prevent and combat violence against women with a special focus on eradicating prejudice and countering stereotyped roles for women and men. One of the purposes of the Convention is to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women (Art. 1, 1B). In Art. 3 gender is defined as “the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men.” Measures to change some of these constructions are among the obligations of the State Parties.

Parties shall take the necessary measures to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. (The Istanbul Convention, Art. 12)

By the time of its 10th anniversary, the Istanbul Convention had been ratified by 34 Member States of the Council of Europe and signed by a further twelve ([Council of Europe, 2021](#)).

Challenges to Gender Equality

On the national level, obligations and ambitions with regard to gender equality are diverse. In the Scandinavian countries, which are among the most gender equal in the world, ambitious gender equality policies, rather than extensive legal rights, help to explain the high level of

gender equality ([Svensson & Gunnarsson, 2018](#)). On the other hand, when it comes to the conflict between gender equality and freedom of expression, freedom of expression is given priority ([Svensson & Edström, 2014](#)). If gender equality is a hallmark of Scandinavia, freedom of expression is even more important, especially in Sweden.

Despite extensive obligations for State Parties to take measures to achieve gender equality, and to encourage private actors such as the media to do the same, there are many signs today that show how gender equality is exposed to criticism and challenges by states, private actors, and individuals. Research by UNDP found widespread, increased bias and backlash against gender equality, including beliefs that men should have more rights than women in several areas:

About 50 percent of men and women interviewed across 75 countries say they think men make better political leaders than women.... Almost 30 percent of people agree that it is justifiable for a man to beat his partner. ([UNDP, 2020](#), pp. 8–9)

Around the world there is a rise in anti-gender movements that question both freedom of expression and gender equality.^{iv} Anti-gender movements refer to networks of different actors, variously identified as angry white men, anti-abortion groups, religious groups, family associations, nationalists and populists, far-right groups, and others ([Kuhar & Paternotte, 2017](#)). Anti-gender discourses have been found to mobilize people who, in their everyday lives, are active on internet forums, in Facebook groups, and on the editorial pages of newspapers, thus spreading the messages of the anti-gender movement. Together, not only the movements themselves but also the individual followers help to spread the anti-gender discourse ([Kuhar & Paternotte, 2017](#); Giritli Nygren, Martinsson & Mulinari 2018). To these actors we should add states that can be supportive of or opposed to these movements, either explicitly or implicitly. One example is the Hungarian government's decision to withdraw accreditation from the gender studies programs of the Central European University (CEU) in Budapest in 2018 – a contributory factor in the move of the entire CEU campus to Vienna, Austria ([Serughetti, 2019](#)). Other examples of attacks on gender studies were addressed in an IAWRT symposium in 2020 (see [Byerly, 2020](#)). In Denmark, political pressure on academic freedom in the fields of gender, race, and post-colonialism has raised concerns among European media scholars ([ECREA, 2021](#)). The Istanbul Convention is another example. In March 2021, Turkey declared its intention to withdraw from the Convention, stating that the treaty promotes homosexuality and thus threatens Turkish family values, social norms, and long-standing traditions. The governments of Poland, Hungary, Bulgaria, and Slovakia have used the same line of reasoning ([Stanimirova, 2021](#)).

Gender Equality and the Media: Overview of International Commitments

In the previous section we outlined the general foundations for freedom of expression and gender equality. In this section we go deeper into the specifics regarding the media sphere. Gender equality in the media as a global commitment can first be found in the 1995 Beijing Declaration and Platform for Action (BPfA), where women's human rights are at the core of the document. The BPfA makes concrete the demands from CEDAW regarding the need to address societal stereotypes. Media are seen as key to achieving gender equality. The BPfA states that "Everywhere the potential exists for the media to make a far greater contribution to the advancement of women (para 234), and that "The continued projection of negative and degrading images of women in media communications – electronic, print, visual and audio – must be changed." (para 236). The role of the media is mentioned in ten of the twelve areas of concern. Media is also an independent action area in its own right. Section J: Women and the media, includes two strategic objectives:

J.1. Increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication.

J.2. Promote a balanced and non-stereotyped portrayal of women in the media.

(Beijing Declaration and Platform for Action [United Nations, 1995](#), pp. 100–101.)

According to the BPfA, all actions regarding the media are to be "consistent with freedom of expression" (para 239–240 and para 243–244). What is meant by "consistent with freedom of expression" depends on which justification for freedom of expression is used (section *Freedom of Expression*, above). The BPfA calls for a mobilization of the media, governments, and other actors to take action. The States Parties that signed the declaration agreed on a detailed list of actions to be taken, with a shared responsibility between governments, the private sector, and educators. The BPfA addresses both mass media and advertising associations, who are asked to promote non-stereotyped images and formulate "professional guidelines and codes of conduct that address violent, degrading or pornographic materials concerning women in the media, including advertising" (para 244).

Despite these global commitments, progress has been limited. To take the example of news media, in 1995 there was a clear male dominance in the global news: only 17% of the news subjects were women, according to the Global Media Monitoring Project ([GMMP, 1995](#)). Twenty-five years later, in 2020, the share of women in the news had increased only marginally, to 25% ([Macharia, 2021](#)). Over the same period, the focus on media as a vehicle for change

toward gender equality seems to be declining in the international arena. Every five years States Parties are obliged to report back to the United Nations on progress made since Beijing 1995 in the twelve areas of critical concern. They must also report on progress made regarding the commitments under CEDAW, and civil society organizations produce shadow reports that are used as part of the CEDAW monitoring process. Despite all this, in 2020, the 25th anniversary of the Beijing Declaration and Platform for Action, UN Women decided to merge the twelve areas of concern from the BPfA into six areas:

- Gender-based violence
- Economic justice and rights
- Bodily autonomy and sexual and reproductive health and rights (SRHR)
- Feminist action for climate justice
- Technology and innovation for gender equality
- Feminist movements and leadership

By reducing the twelve areas from Beijing into six, media was lost as an area of concern in its own right (see [Djerf-Pierre & Edström, 2020](#), pp. 50–51). It is yet to be seen how this will affect the reporting process and actions from States Parties.

Similarly the current global agenda, the 2030 Agenda for Sustainable Development, though it calls for major transformations of society makes only marginal reference to the role of the media. Agenda 2030 is grounded in international human rights treaties. It reaffirms the Universal Declaration of Human Rights (UDHR) and the Beijing Declaration and Platform for Action ([United Nations, 2015](#): para 10 and 11). But there is no reference to “media,” “gender stereotypes,” or “freedom of expression” anywhere in the text. This means that knowledge of earlier obligations and ambitions regarding gender equality and the media is needed in order to keep these issues on the international agenda. There are however two entry points to the media: goal 5 on gender equality and goal 16 on promotion of peaceful and inclusive societies. Sub-goal 5b indirectly connects to the media by calling for enhanced use of enabling technologies, in particular ICT, to promote women’s empowerment. However, the indicator for measuring this development (Indicator 5.b.1) is the “Proportion of individuals who own a mobile telephone, by sex” ([United Nations, 2017](#)), signaling a reductionist and instrumental perception of the relationship between women and information/communication. Sub-goal 16.10 to ensure public access to information and the protection of fundamental freedoms could, in principle, support non-censorship and diversity of voices This sub-goal, together with Indicators 16.10.1

on safety of journalists and 16.10.2 on policy guarantees of public access to information, could help to promote freedom of expression.

On a regional level, the Council of Europe has produced several guiding documents (Recommendations) that address the role of the media in hindering or hastening structural change to advance gender equality ([Council of Europe, 2013](#); see also [2017](#), [2019a](#), [2019b](#), [2020](#)). Although these documents of the Council of Europe are not binding, the Recommendation from 2013 includes the following statement:

Media freedom (including editorial freedom) and gender equality are intrinsically inter-related. Gender equality is an integral part of human rights. Freedom of expression, as a fundamental right, goes hand-in-hand with gender equality. Furthermore, the exercise of freedom of expression can advance gender equality. (Recommendation CM/Rec (2013)1 of the Committee of Ministers to member States on gender equality and media.)

The Istanbul Convention includes the media in its chapter on Prevention:

<EXT>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. (The Istanbul Convention, Art.17, para 1.)

Unlike the Council of Europe Recommendations, the Istanbul Convention is legally binding. Therefore, Turkey's withdrawal from the Convention, and the planned withdrawal of other states, has serious implications for the scope to address gender-based violence issues, as well as the role of the media to counter stereotypes.

In summary, this overview of international commitments to gender equality and media reveals an apparent decline since the highpoint of 1995 and the Beijing Platform for Action.

The Boundaries of Gender Equality in Media Governance – Self-regulation vs Legislation

The governance of media ([Llorens & Costache, 2013](#)) is, in most jurisdictions, a combination of formal and informal mechanisms of legislation (constitutional and/or statutory), and self-regulation. Therefore, the means to advance gender equality in the media could be implemented on various levels. Despite several initiatives taken by states or media industry over the past 30 years, few have comprehensively addressed the lack of women in the media or the gender

stereotypes produced and reaffirmed by the media (see [Svensson & Edström, 2014](#)). Most initiatives have tended to be piece-meal and short-term. Media companies have a long-standing interest in rejecting state regulation and a preference for the creation and control of ethical guidelines and self-regulatory bodies such as Press Councils and Media Councils. This can be understood in terms of media accountability – a concept that has been developed differently in various parts of the world ([Von Krogh, 2008](#)).

Advertising revenues are essential for the media industry and often there is a mixed content of news, entertainment, and advertising on all platforms. Gender stereotypes are especially prevalent in advertisements, and some countries have started to legislate against sexist advertising (see [Martin-Llaguno, 2016](#)). The International Chamber of Commerce (ICC) provides guidance for self-regulatory codes and a building block for self-regulatory structures. It formulates voluntary rules on marketing and advertising for businesses around the world. According to themselves, “ICC plays a vital role in scaling widespread action on Sustainable Development Goals ...” (ICC website, [n.d.](#)). Art. 2 of the ICC Advertising and Marketing Communications Code (2018) concerning social responsibility expresses the non-discrimination principle. ICC recommends that marketing communications should respect human dignity and should not incite or condone any form of discrimination, including that based upon ethnic or national origin, religion, gender, age, disability, or sexual orientation. Like the ICC Code, ethical guidelines/code of ethics for journalism are usually short and general when it comes to gender equality and stereotyping, with a focus on objectivity, accuracy, fairness, accountability, right to privacy, and the limitation of harm. The *Accountable Journalism* project, which is monitored by the Reynolds Journalism Institute and the Ethical Journalism Network and aims to compile codes of ethics from around the world, acknowledges the marginalization of gender in journalism and the lack of action to advance gender equality in the media.

The fact that television, film, popular magazines, and the online world continue to provide images of women that are outdated and unfair is an indication of economic interests as well as age-old customs at work. ... Despite advances in national legislation, unions became distracted by other issues in recent years and took their foot off the accelerator, slowing the process of social change. As a result, the crisis of discrimination, both within media content and in media operations, continues to undermine journalistic standards and sap the confidence of women working in the industry. (Gender, *Accountable journalism* website, [n.d.](#))

There is no over-arching code of ethics for journalism. The International Federation of Journalists (IFJ) has formulated the Global Charter of Ethics for Journalists that illustrates how gender tends to be mentioned as just one of many categories to consider when aiming to avoid discriminatory practices.

Journalists shall ensure that the dissemination of information or opinion does not contribute to hatred or prejudice and shall do their utmost to avoid facilitating the spread of discrimination on grounds such as geographical, social or ethnic origin, race, gender, sexual orientation, language, religion, disability, political and other opinions. (*IFJ Global Charter of Ethics for Journalists*, [2019](#), Art. 9.)

Even though countering gender stereotypes is not a key topic in code of ethics, re-enforcing stereotypes can be seen as a failure in journalism execution in relation to citizens and publics ([Kovach & Rosenstiel, 2014](#), p. 293; see also [Carter et al., 2019](#)), and a failure in terms of media accountability.

Today, many media houses have their own strategic documents and policies on gender equality. Recent research has posited a relationship between the level of gender equality in a society and the degree of commitment by media companies to in-house gender equality policies ([Padovani & Bozzon, 2020](#)). Some media organizations and newsrooms have (re-) started strategic work on gender equality in the media, in order to stay accountable and relevant to readers/users ([EBU, 2019](#); [WAN-IFRA, 2020](#)). For example, in Sweden there are recent examples of gender balance strategies within media houses, addressing both advertising and journalism content, aimed at increasing the presence of women in the news and countering stereotypes ([Edström & Jacobsson, 2021](#)).

In terms of legislation, journalism is safe-guarded through Press Freedom Acts and broadcasting regulations. Obligations to monitor gender equality are, however, rare. Exceptions include the French regulatory authority for audiovisual and digital communication Arcom (formerly the CSA), which has legal rights to ensure a fair representation of women and to monitor radio and TV programs. In 2017, these rights were extended to ensure women are represented appropriately in advertising. In Spain, the law requires the audio-visual authorities to adopt measures to ensure that women are portrayed in accordance with constitutional principles and values. In Sweden, there has been a gender equality and diversity requirement on public service broadcasters in terms of content production since 2014. An overview of media-related legislation, regulation, and self-regulation of gender equality in 33 European countries can be found in [Council of Europe 2020](#). It seems that regulation may encourage and

promote more gender equal content. Public service media in Europe report in general a higher level of gender balance compared to market competitors. But overall, women are under-represented on European TV channels and radio stations and they have less speaking time ([EBU, 2021](#); [European Commission, 2019](#)).

Discussion and Trends

Transformations Regarding Gender Equality in the Media

Over time, many states and inter-governmental bodies have increased their ambitions to take measures to achieve gender equality, both in terms of legislation and self-regulation. Despite this, there are counteracting forces of various kinds. Sexualized online hate speech and threats – including the impact of online violence on women journalists ([OSCE, 2020](#); [UNESCO, 2021](#)) – have been in the spotlight for some years now, both in public debate and among legislators, for whom issues of responsibility have been highlighted. The link between gender-based violence, norms and stereotypes in society and in the media is on the political agenda and has become one of the most prominent topics internationally and through, for example, the Istanbul Convention.

We can also see a trend toward a more comprehensive approach to gender media monitoring. For many years, numerous academic research projects around the world have shown that women's voices are lacking in the news media and stereotypical images are abundant. But until recently there has been a lack of advanced comparative analysis. However, projects like *Comparing Gender and Media Equality across the Globe* offer new levels of explanation as to why gender equality in the media is lagging behind the “real” world ([Djerf-Pierre & Edström, 2020](#)). The international project *The Media for Democracy Monitor* has included two indicators related to gender in their latest report, to ensure that “gender-related challenges to democracy are better visible” ([Trappel & Tomaz, 2021](#), p. 17). The indicators cover rules and practices on internal gender equality (i.e. media employment), and gender equality in media content. All 30 countries in the analysis thus include measures of gender equality in the media. That said, as mentioned earlier there are at the same time political pressures on academic freedom, especially for researchers working on gender and intersectional issues.

Transformations Regarding Free Speech and Gender Equality

The trend toward market-driven free speech based on the right to conduct a business is

complicated. Digital platforms and business rights may protect and reinforce those same gender stereotypes in the media that global commitments on gender equality aim to combat, for example through porn sites or hate speech. States Parties may try to regulate on a national level, but global platforms and content providers such as Facebook and Twitter are still difficult to monitor and regulate. Essentially, these businesses decide which voices are heard and magnified. Corporate social responsibility through self-regulation thus becomes even more important, as well as ethical guidelines for media businesses. According to the Beijing Platform for Action, all actors need to take responsibility. In this respect civil society, in the form of feminist activists and researchers, has an important role in informing and advocating for freedom of expression and gender equality. An increased awareness of the global commitments regarding gender equality in the media within the media industry would have an impact on the advancement of gender equality in society as a whole.

While States Parties have difficulties in regulating global platform providers for the common good, there is evidence that some states increasingly interfere with and limit human rights. The 2021 report from Varieties of Democracy (V-Dem) charts the rise of autocratic states ([V-Dem, 2021](#)). This can be seen as a threat both to freedom of expression and to gender equality, given that these states tend to want more control over the media, to be critical of gender equality discourses, and to promote a rhetoric of family values. In many countries there is also a rise of alt-right media that further supports the entrenchment of autocratic states. This development might counteract the earlier trends mentioned on increased commitment to gender media equality in some states, or we might see a polarization, where states choose very different pathways regarding freedom of expression and gender equality. The COVID-19 pandemic also reminds us how inequalities can be amplified and how women's perspectives may disappear from the news.

The Need for a More Solid System

When gender equality comes into conflict with freedom of expression, the latter is often prioritized. Obligations to promote a gender equal media content, at least obligations expressed in legal norms, are perceived as conflicting with and as a limitation of freedom of expression. An alliance of various actors, including states and media industry, claim that freedom of expression should be regulated by law as little as possible. The resistance from the media industry toward state regulation, perceived as limiting freedom of expression, affects the achievement of gender equality goals. Moreover, when it comes to gender inequality in media content, it is important to recognize that if media content does not represent the whole

population, the condition for democratic governance is not fulfilled, because freedom of expression – as a fundamental right for all – is not implemented (see [Council of Europe, 2013](#)). As mentioned earlier, women are only 25% of subjects or actors in the global news, according to the 2020 Global Media Monitoring project ([Macharia, 2021](#)). An *absence* of rules regarding gender equality in media content leaves decisions about that content to ungoverned actors – private, commercial, or others. Self-regulatory systems are thus important to compensate for the lack of legislation. However, we believe that a combination of law and self-regulation is needed to counteract commercial and political forces that could limit gender equality in media content. No matter how ambitious self-regulatory provisions and in-house strategies are, they are dependent on the good will of the media industry. Measures taken by states to legislate in order to promote gender equality and a diversity of voices, are more permanent and come with sanctions. If supported by strategic work by media organizations themselves, they will be even more effective. Measures to safeguard gender equality in the media should be understood as *expanding* freedom of expression. That said, if a gender equal media content is to be achieved it will require a system that goes far beyond protecting the individual right to free speech and the right to freedom from discrimination.

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Notes

ⁱ Please note that the chapter was written in September 2021 and does not address possible developments since then.

ⁱⁱ This section is partly based on the article “Freedom of expression vs. Gender equality. Conflicting values when regulating gender stereotypes in advertising” by [Svensson & Edström, 2014](#).

ⁱⁱⁱ The CEDAW General Recommendations are available in the United Nations Treaty Body Database: (<URI><https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx></URI>).

^{iv} The UN Special Rapporteur on the promotion and protection of the right to freedom of expression and opinion, Irene Khan, in her 2021 report referred to the pervasive suppression of women's rights and voices as “gendered censorship” ([United Nations, 2021](#)).