

Advancing Gender Equality in and through the Media: (Rethinking) Regulatory Models and Interventions

A FOJO-CIMA Project
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Focus of this abstract:

How to advance media gender equality through governing arrangements and regulation—with a focus on stakeholders' dialogues

Main questions:

- What are key gender equality dimensions in this area?
- What would be appropriate policy measures to advance gender equality through industry regulation and co-regulation?
- What are examples of good practices in establishing and implementing self-/co-regulatory frameworks?
- What primary elements should a gender-equality-oriented media policy contain?

1. Gender Equality, Media, and Normative Frameworks—Building Blocks and Current Challenges

For more than 35 years, normative frameworks have been in place at the international and regional levels to promote the development of plans and mechanisms in support of gender equality, including in media content, organizational structures, and ecosystems. Such frameworks—declarations, platforms, plans of action, protocols, and recommendations¹—indicate principles and values, as well as key gender equality dimensions, related to media and media regulation. These frameworks lay out the need for progress on a number of issues that affect women in media, including unbalanced and sexist portrayals of women in the media, unequal access to information and communications technology, and the challenges of adopting gender mainstreaming as an organizing principle and policy frame. They also acknowledge the need for policies that promote gender equality in the media sector, since many media environments have only “soft provisions” in place.

One of the most relevant frameworks setting out priorities for promoting gender equality in media today is the “Joint Declaration on Freedom of Expression and Gender Justice,” which was adopted in 2022 by the United Nations (UN) Special Rapporteurs on Freedom of Expression.² The declaration recalls long-standing issues pertaining to gender inequalities and the media, while highlighting emerging challenges and priority concerns, such as online gender-based violence; gendered hate speech and disinformation aimed at intimidating and silencing women, including female politicians, journalists, and human rights defenders; and vexatious lawsuits to dissuade women from participating in public life (i.e., strategic lawsuits against public participation, also known as SLAPPs).

Core to the document is the principle that “gender equality and the right to freedom of opinion and expression are mutually reinforcing, indivisible and interdependent.” Hence, they should not be considered in competition, but rather as complementary building blocks of regulatory measures for gender justice aiming at “transformative changes to remove structural and systemic barriers and create an enabling environment in which women (and others who suffer discrimination on account of sex or gender) can exercise their rights and participate fully and equally . . .”³

Civil society activism has also played an important role in articulating persistent struggles for gender equality in the media, traditional and digital,⁴ and pushing for meaningful change. A recent gathering of the Global Alliance on Media and Gender,⁵ titled “Challenging Times for Women’s Communication Rights: Towards a New Gender Deal in Media and Communication,” shed light on the most pressing issues concerning gender inequality and media today, including difficulties experienced by women journalists during the COVID-19 pandemic; increasing concerns with violence and harassment, when operating in the field and particularly online; and the need to reflect on the implications of multiple and overlapping crises—social, health, environmental, peace, as well as “care” crises—on the experiences of women in media and on women’s communication rights.

Most of the more than 20 invited speakers mentioned the need to “bring together stakeholders” (Elena Chiaberge, Permanent Conference of the Mediterranean Audiovisual Operators) and to consider how they could be involved through “open networks” (Carla Cerqueira, Universidade Lusófona); the need to “work

together towards policy formulation” (Amina Lemrini, former chair of the High Authority for Audiovisual Communication (Haute Autorité de la Communication Audiovisuelle; HACA); as well as the need to establish and maintain dialogues with relevant institutions such as the Organization for Security and Co-operation in Europe and the UN Special Rapporteurs for Freedom of Expression (Sarah Macharia, Global Media Monitoring Project). There were also suggestions to organize a stakeholder forum on the communication rights of women journalists (Maria Angeles Samperio, International Federation of Journalists) and to prioritize stakeholders’ mobilization for solidarity (Albana Shala, Free Press Unlimited).

This focus on the need to find new ways of working together and to engage with different stakeholders signals the urgency of collaboration and sharing. It also emphasizes the value of learning from the knowledge and diverse experiences that have been developed around these themes by different actors, including institutions, media workers and professional associations, media outlets, academia, and civil society.

I argue that this call for mobilizing together is crucial in the current historical moment, particularly in view of establishing new regulatory practices and mechanisms. Today, we are witnessing three parallel processes. First, gender equality principles are increasingly being discussed and institutionalized at the international and regional levels. At the same time, we observe increasing opposition to gender equality and women’s rights coming from anti-gender movements, parties, and anti-feminist politics.⁶ Finally, the dominant strain of the women’s empowerment narrative, which acknowledges issues like gendered income inequality without grappling with the underlying systemic problems, risks depoliticizing the feminist transnational agenda and marginalizing civil society initiatives.⁷ At a time of overlapping crises, widening resistance to women’s struggles for gender justice, and easy co-optation of feminist discourses by private corporations and institutions alike, taking up collective responsibility for developing policy responses may be more relevant than ever: hence the focus of this abstract on dialogues toward co-regulation.

2. Gender Equality, Media, and Policy Adoption—Gaps and Shortcomings

The above-mentioned normative frameworks, established over the course of 20 years, also call for policy adoption by different actors operating at different levels. In so doing, they contribute to identifying policy measures to advance gender equality for the media environment.

Introduced in 1995, the Beijing Platform for Action (BPfA) included a number of recommendations whereby governments should support research on gender and media issues; promote women’s full and equal participation in the media, including management; and recognize women’s media networks, including electronic networks and other new communication technologies. Most of all, national and international media systems should develop regulatory mechanisms that “promote balanced and diverse portrayals of women by the media” and that “promote increased participation by women and men in production and decision-making.”⁸ At the same time, governments should encourage women’s participation in the development of self-regulatory mechanisms, such as professional guidelines or codes of conduct, to promote balanced, non-stereotypical portrayals of women in the media.⁹ The BPfA also called on mass media to develop self-regulatory mechanisms that encourage outlets to present non-stereotyped portrayals of women.¹⁰

Twenty-seven years later, much of the same language and very similar recommendations can be found in the 2022 “Joint Declaration on Freedom of Expression and Gender Justice,” even though the two documents are representative of two very different moments in history and in the struggle for gender equality and women’s communication rights. This is because gender inequality has been with us for a long time. It has been recognized, analyzed, and framed as a problem, and solutions have been suggested for decades. Notwithstanding, as it has been observed by many,¹¹ progress in this area has been extremely slow, unequal across regions, and always exposed to backlash and conservative responses.

In particular, recent studies have highlighted gaps and shortcomings in the adoption of guidelines, codes of conduct, and other forms of co- and self-regulation at the media company level.

Self-regulatory provisions adopted by media companies show high variability across and within regions.¹² A cross-national study looking at policy adoption across media organizations highlights a number of “media gender regimes” based on a variety of gender equality measures adopted by media companies—including gender equality and diversity, maternal or parental leave, protection against harassment, and policies ensuring continued employment after maternity, among others. Some “gender-blind” countries have

demonstrated the lowest commitment to any kind of gender equality measure. In gender-transformative countries, companies have adopted several measures that complement existing national policies. In some countries, media companies seem to be concerned with facilitating work-life balance; in others, media outlets have committed to more structural interventions, such as general equality provisions and sexual harassment policies.

Several global studies have found that media outlets rarely have policies in place to safeguard gender equality in the workplace. Findings from the Media for Democracy Monitor 2021,¹³ which looked at 18 countries in Europe and beyond, confirm evidence from previous investigations.¹⁴ Out of the 18 countries considered, the Austrian public broadcaster ORF emerged as the sole example of a news organization that had adopted a comprehensive gender policy. However, the existence of gender-related internal regulations does not ensure implementation, as shown, for example, in Belgium (Flanders). Even when gender equality is legally protected (as in Finland), or gender-supportive policies and reforms have attempted to establish gender balance in terms of employment and career progress (as in Australia), stereotypes and patterns of discrimination may persist in practice. Media industries showing lack of interest in or limited attention to the adoption of gender-sensitive rules at the organizational level can be found around the world—in Chile, Germany, Portugal, Switzerland, Italy (with the exception of the RAI public service broadcaster), and Iceland (with the exception of public broadcaster RÚV and private organization Sýn).¹⁵

Similarly, the Fojo Media Institute's *Global Study on Gender Equality and Media Regulation* finds that macro-level (international and national) interest in gender equality does not seem to filter down to the micro level, often failing to translate into statutory media sector regulation.¹⁶ The study also points out the existence of tensions between “guaranteeing women’s freedom of expression on the one hand and respecting media freedom, on the other” worldwide.¹⁷

In the media and communication sector, as in other domains, states’ commitments to adopting gender mainstreaming as the operational principle for policy development have remained widely disregarded since 1995.¹⁸ At the same time, the media sector has committed very little to overcoming structural barriers to gender equality. The Fojo study recommends investments in more efficient self- and co-regulation, promoted through media policies and laws, as a promising path of change.¹⁹

3. Gender Equality, Media, and Efficient Regulation—Good Practices

To investigate the viability of the pathway to efficient (non-statutory) regulation and to understand how it can be enhanced, this abstract focuses on the collaborative dimension of regulatory mechanisms. I selected examples of regulatory measures recognized as good practices²⁰ and briefly discuss them below with the aim of identifying relevant features.

The good practices I selected are examples of co-regulatory interventions, i.e., resulting from collaborative processes with the involvement of different stakeholders. They address structural problems at various levels—national, regional, and supranational—and so they may solicit reflections about how to address deep and underlying causes of inequality through regulatory mechanisms, with a view toward speeding up processes of sustainable change. The selected examples also involve communication regulatory agencies, which should receive wider attention in debates about media gender equality.²¹

According to the 2019 *Study on Industry-Led Good Practices Related to Gender Diversity in the European Audiovisual Sector* by the European Regulators Group for Audiovisual Media Services (ERGA), measures to promote a structural approach to gender equality generally relate to collective efforts and dialogues.²² Among the practices identified in this area are collaborations with civil society, professional organizations, and universities, as well as charters related to gender representation in media content. One such charter was adopted in France in 2018, where the Superior Audiovisual Council (Conseil Supérieur de l’Audiovisuel; CSA) played a pivotal role in the adoption of a charter to fight against stereotypes in advertising programs.²³ The growing abuse of sex in French advertising prompted strong reactions from consumer and feminist associations.²⁴ The French self-regulatory system involved various stakeholder organizations to analyze social trends related to the acceptability of sexually oriented advertisements, develop new voluntary guidelines, solicit complaints, and handle them. As a result of charter adoption, the proportion of controversial advertisements has decreased, and French advertising practitioners seem to have developed greater professional responsibility in exchange for the creative freedom they aim for. The Council of Europe notes that, in France, the law of August 4, 2014, extensively increased the competence of the CSA in promoting women’s rights and gender equality; and a second law in January 2017 allowed the CSA to fight against sexist

advertising.²⁵ The CSA currently has the authority to monitor sexism in advertising and receive complaints from the public, and is required to report on gender equality annually. The ERGA report highlights that in France and a handful of other European countries, “charters are quite frequently a result of a constructive dialogue between a relevant public body, the industry and civil society (NRA [National Regulatory Agency], Ministry, Women organizations).”²⁶ Of course, the challenge remains to ensure the effective implementation of charters. To this end, monitoring by relevant authorities should ensure that charters are efficient in practice. The French case could be used as a model to explore the interplay of actors and levels—legal, policymaking, and self-regulatory—and to investigate the deeper reality of participative practices and stakeholder dialogues. These processes are crucial to promoting gender equality, and to adopting measures that enhance actors’ commitments and accountability to supporting media gender equality.

A second example of a co-regulatory mechanism comes from Canada, where private broadcasters created the Canadian Broadcast Standards Council (CBSC) to administer the broadcasting standards they had established. It is a nongovernmental agency, but has been operating since 1991 with the approval of the Canadian Radio-Television and Telecommunications Commission (CRTC), the state agency that oversees the country’s broadcasting and telecommunications industries. The CBSC is a self-regulatory body, which operates at arm’s length from its funders, as well as from the CRTC, to which it reports on a yearly basis. The CBSC is not involved in the day-to-day operations of broadcasters, which may voluntarily create standards for themselves. The codes and activities of the CBSC are intended to balance broadcasters’ right to freedom of expression with their desire to best serve the public. For the CBSC to initiate its complaints process and examine a program, it must receive a complaint from a listener or viewer. Complaints logged by the public on the CBSC website are adjudicated by panels composed of representatives from the broadcasting industry and the public. Complaints about broadcasters that 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. In this case, the regulatory mechanisms—both the CBSC and the adopted codes—originated from the media industry, but they were also the result of public pressure and threats of regulation.²⁷

Interestingly, during the 1990s, in response to the CRTC delegating much of its power and authority over media standards, the Canadian-based nongovernmental organization MediaWatch Canada commissioned a study to map this devolution of responsibility. What emerged was both the increasing importance of self-regulatory bodies in modern regulation, often acting as extensions of the policy system, as well as reduced public accountability linked to “invisible” regulatory regimes.²⁸ Twenty years ago, MediaWatch was calling for a transformation of regulatory practices into models of co-regulation whereby industry, government, the public, and civil society organizations would all have a role. At the same time, MediaWatch was aware of and concerned with the discrepancies in the balance of power among the stakeholders. More recently, multistakeholder practices have been criticized precisely for the lack of equal conditions for participation and for their shortcomings in terms of full and effective participation.²⁹ These critical analyses should be kept in mind as we discuss the conditions of possibility for stakeholder dialogues as a resource in regulating media gender equality.

A third example concerns the joint declaration adopted in 2018 by four regional networks of communication regulatory authorities on the occasion of the 62nd session of the Commission on the Status of Women, where the review theme was “Gender inequalities and the media.” On that occasion, coordinated by the chair of Moroccan regulator HACA, the French-Speaking Network of Media Regulators (Réseau Francophone des Régulateurs des Médias; REFRAM), the Network of African Communication Regulatory Authorities (Réseau des Instances Africaines de Régulation de la Communication; RIARC), the Mediterranean Network of Regulatory Authorities, and the Platform of Regulators of the Audiovisual Sector of Ibero-America (Plataforma de Reguladores del Sector Audiovisual de Iberoamérica; PRAI) came together and issued a declaration calling on UN member states to act upon three main points:

1. To put in place and ensure the effectiveness of laws and mechanisms enshrining the principle of equality between women and men in and through the media
2. To include gender equality in and through the media as part of comprehensive and integrated public policies targeting the fight against gender stereotypes and sexism, gender-based discrimination and violence, and the promotion of equality
3. To ensure balanced representation of women and men in the nomination/election processes of media bodies, including broadcasters and regulators

Finally, the signatories reaffirmed their own commitments to gender equality and women's freedom to communicate. The requests, grounded in the statutory prerogatives of the signatories, address the systemic nature of media gender-inequality issues and propose a systemic approach to contend with them. This should be done through effective legal frameworks, combined with integrated public policies, and equal participation in decision-making bodies, including regulatory agencies. Different stakeholders are called upon to take responsibility. The transformative potential of such collective practice, networked across regions and performed in a high-level setting, is meaningful because of the official status of the promoting entities. Yet it would be important to learn about the follow up of this high-level commitment, about how the declaration has been taken back to the respective networks and countries; how it has been received; if and how it has been disseminated across interested stakeholders and the broader public; if any policy development has emerged as per the call in the text; and if any stakeholder dialogue has developed since and, if so, what the lessons learned and changes in place are.

In sum, collaboration and networking have been recognized as crucial components of effective gender equality mainstreaming across the media sector. The Council of Europe (CoE) encourages the development of networks and partnerships among media outlets to foster gender equality in the various areas of the new media ecosystem.³⁰ Network-building allows media organizations to establish regular exchanges about the social responsibility of the media and the role of equality in codes of practice. The CoE also recommends that these networks work to develop "joint charters or recommendations for all media outlets on gender policies."³¹ Coming to a shared understanding of the different areas and levels at which regulatory intervention can be adopted, and of how different measures intersect, could contribute to addressing what the Fojo study identifies as "a tension between statutory regulatory mechanisms and self and co-regulation adopted by media industries," possibly easing that tension and facilitating integration among measures, thus leading to sustainable changes.³²

4. Gender Equality, Media, and Efficient Regulation—Perspectives for Change

In conclusion, I propose that in addressing the challenges for efficient—but also effective and democracy-oriented—regulation for gender equality in media, a specific point of entry could be adopted: that of sustained dialogues among stakeholders.

Eliminating discrimination against women requires a "whole of society" approach,³³ whereby states, the private sector, and civil society—as well as independent institutions and communication regulatory authorities, the research community, and media operators and media professional associations—work together to address gender-based discrimination, stereotyping, marginalization, and violence. This would require increased synergies among relevant stakeholders, but also a clear understanding of respective roles, responsibilities, capacities, and "forms" of power.³⁴

Dialogues among stakeholders—at any level and sector—should maintain the BPfA as a normative reference, and consider that governments and other actors should promote the mainstreaming of a gender perspective in policies and programs.³⁵ This implies the systematic integration of the respective situations, priorities, and needs of women and men at every stage of planned policy intervention. Gender mainstreaming remains a challenge but also a major objective in policy development and in implementation, if we are to think systematically about gender equality in media regulation.

To develop, integrate, and strengthen policy measures and regulatory mechanisms that enhance gender equality in and through the media, women's participation at all levels of the process is necessary. For such measures to be effective, women must be involved not only in the decision-making processes, but in the ideation, design, and drafting of any given policy, as well as in monitoring and implementation.

Finally, the practice of stakeholders' dialogues could aim at two different but related results.

One goal would be to involve a variety of actors in debating how to balance principles with the aim of finding consensus points that may translate into regulatory mechanisms (appropriate to specific contextual conditions). These discussions would address tension points, including market versus human and women's rights; media freedom versus women's freedom of expression; and participation in relation to diversity and inclusion.

At the same time, such exchanges could open the space to debate issues that would otherwise go largely unnoticed. This in turn could help move away from the patriarchal, exclusionary logic that reproduces gender inequalities. Through this type of discussion, “it may be feasible to build a new (temporary) common sense”³⁶ about the provisions for gender equality in the media ecosystem.³⁷ If so understood and performed, stakeholders’ dialogues would contribute to a radical democratic turn.

Workshop Highlights and Recommendations

The workshop organized by the Center for International Media Assistance and Fojo on December 19, 2022, addressed the conditions for co- and self-regulatory approaches to be effective. This general theme was articulated into a set of open issues concerning the following: the advantages of a co-regulatory approach over a separate system (meaning concurrent statutory, industry, and media in-house regulation) and, vice versa, the advantages of a separate systems model over a co-regulatory approach; the advantages and disadvantages of a self-regulatory system for media ethics; the risks of relying on the limits of the law (what do we risk missing?); and how to consider human and women’s rights in respect to market value and private actors’ interests.

The 40 participants engaged in an intense discussion that reflected the diverse experiences and priorities of media regulators, journalist associations, civic organizations, academia, and researchers. The conversation focused on diverse models of media regulation and on stakeholders’ roles and interests therein; on the centrality of issue- and problem-framing and how this may reflect patriarchal legacies; and on the contextual and structural conditions within which regulation is adopted and implemented.

The workshop discussion helped identify a number of *conditions for effective regulation*:

- Assume the Beijing Platform for Action, and Section J in particular, as a roadmap in the development of legal frameworks and regulatory measures.
- Acknowledge the structural conditions where regulation occurs and is implemented. Most times these reflect patriarchal and neoliberal systems of values and rules that are not respectful of women’s rights and freedoms. Regulatory approaches should, in the long run, aim at structural change.
- Recognize that effective regulation requires time (for stakeholders to identify issues and shared frameworks, develop regulatory mechanisms, then monitor and implement), hence the need to set long-term goals to promote media gender equality.
- Acknowledge, particularly at the national level, the contextual conditions, and develop/adapt regulatory models accordingly. Good practices and effective mechanisms can be inspirational, but regulatory models should take local and contextual conditions into consideration (no one-size-fits-all model).
- Consider how each specific regulatory instrument—statutory, co- and self-regulation—can be effective to meet the established goal (what instrument can be more apt depends on the context and topic).
- All relevant stakeholders need to commit to clearly outlined responsibilities.
- Clarify roles and tasks of the stakeholders involved: policymakers (set standards); media outlets (put in place policies to foster fair representation and protect female staff); digital platforms (implement tools to protect vulnerable groups, working both on content moderation and on algorithmic propensity toward sensationalism and the spread of misogyny); professional and journalist associations (adopt codes to promote gender equality AND gender mainstreaming); civil society organizations and social movements (foster public dialogue on gender-equal media and put pressure on state actors and media companies to adopt rights-based regulatory approaches and mechanisms); academia (provide data and evidence to inform public debate and policymaking, clarify the nature of problems, and conceptualize complexity).
- Ongoing training of the different constituencies remains vital to promote awareness and shared understanding of gender inequality issues across stakeholders, and at all levels of media and digital companies, including higher management. Training on gender equality in and through the media, organized by professional associations or media companies in-house, as well as at universities, should include a focus on regulatory models, including monitoring and implementation challenges.

- Explore options to complement human rights approaches and market functioning (e.g., the inclusion of gender equality standards in licensing permits by national media regulators).
- Involve women at all levels in the development of regulatory models and mechanisms (also consider including/engaging with women’s professional and civic associations).

In this context, it has been agreed that *stakeholders’ dialogues are crucial* as they contribute to the following:

- Facilitating exchange among actors and interests
- Avoiding polarization among stakeholders in national contexts, particularly in developing countries where there is high risk of state interference and private interest pressure
- Helping connect society and the media, given that society is often more advanced than media in its understanding and commitment to gender equality (this discrepancy appears as a theme worth further theorizing and exploring)
- Co-framing issues concerning gender-unequal media and platforms, from the early stages of the regulatory process
- Fostering strategic participation of stakeholders in “issue co-framing processes” that will inform regulatory frameworks: this can support the development of rights-based approaches to gender inequality issues and guarantee the effectiveness of adopted mechanisms (through monitoring and responsibility in implementation)

It simultaneously remains crucial to *better understand and define co-regulation*:

- Co-regulation requires starting from a process of acknowledging joint accountability from the onset, and developing partnerships from the very beginning (data collection, framing of issues).
- Involved stakeholders should agree upon transparent principles and commit to implementation (most companies adhere to international normative frameworks that support human and women’s rights, but the challenge is to assume full responsibility and act consistently).
- Areas where co-regulation can have an impact should be jointly defined, avoiding regulation that addresses all issues; then focused measures should be developed.
- The respective responsibilities and tasks of all relevant stakeholders should be clearly defined, including those of policymakers, media companies, digital platforms, professional and journalist associations, civil society organizations and social movements, academia, the judiciary, and the broader public.
- Co-regulation depends on the existence of other core pillars: statutory frameworks and self-regulatory mechanisms. The articulation and interplay of different regulatory models should be made explicit and discussed among stakeholders.

The workshop also helped identify the *opportunities and risks of relying on (the limits of) the law*:

- Statutory and legal frameworks are core to promoting gender equality in and through the media, but most often, and across the globe, they are not in place. There is a need to make sure that national legal frameworks to support gender equality and mainstreaming across the media are established worldwide, and to include specific reference to media—traditional and digital—in national strategies for gender equality.
- Where they exist, legal frameworks often need to be improved to reflect a holistic approach (acknowledging different dimensions of inequality, such as representation, invisibility, access to information and media, career progress and power positions, pay gaps, harassment and abuse) and their implementation should be made a priority. To this end, regular monitoring mechanisms should be established to provide evidence, help raise awareness, and place emphasis on the urgency of policy adoption.
- Existing legal frameworks can be used in creative ways, by leveraging existing legislation (for instance, ones mandating certain standards for work environments) to support gender equality in media and digital companies when ad hoc measures are not in place.

National regulatory authorities (NRAs) can play a crucial role in developing well-articulated regulatory models and interventions for media gender equality, *if conditions are in place to allow them to contribute effectively*:

- NRAs have a specific task in monitoring the extent to which media organizations subscribe to democratic principles and their progress on self-regulatory outcomes.
- But NRAs can contribute effectively only if they have a mandatory legislative task to enforce gender equality in the media (this is seldom the case). NRAs' mandate should include specific mention of responsibility to foster gender equality and protect women's communication rights.

In relation to *advantages and disadvantages of self-regulatory systems* for media ethics, workshop participants shared a set of critical comments:

- There are increasingly more examples of self-regulatory practices, particularly where legacy media are involved. This is a welcome development.
- Yet their implementation is often difficult due to conflicting economic interests.
- Attention should be paid to self-regulation that often becomes a "nice-to-have" element (i.e., policies that exist on paper but that are often ignored without consequence and receive no follow-up from NRAs).
- Although self-regulatory mechanisms have been developed to counter and mitigate harm from online violence, digital platforms—left to themselves—are not doing enough.
- Consider the possibility of establishing oversight bodies to monitor the adoption and implementation of self-regulatory models to minimize state interference and hold digital platforms accountable.

Another priority area of intervention emerged from the discussion: *online gender-based violence*.

- Online gender-based violence (against women journalists and public figures) should be recognized as a top priority that requires adequate attention and effective regulatory mechanisms to address it.
- Statutory frameworks are missing with respect to online violence (particularly, but not only, with respect to women journalists). Statutory frameworks should be established from the international to the national levels to define, clarify, and protect the rights of women and vulnerable groups online.
- Efforts are needed to develop an agreed-upon definition of "online violence" that reflects the complexity and multiplicity of forms of abuse, harassment, and violence currently experienced by women and vulnerable groups.
- Statutory frameworks should commit digital platforms to adhere to due diligence requirements.
- Self-regulation among digital platform stakeholders on this issue is not working. Platforms, left to themselves, are not doing enough to counter and mitigate harm from online violence.
- Platforms should be pressed to participate in stakeholders' dialogues, and engage with civil society organizations, unions, and other relevant stakeholders. The co-framing of issues and a joint definition of core principles and possible solutions are particularly relevant in the absence of a clear definition of online violence.

¹ *Global Study: Gender Equality and Media Regulation* (Fojo, Linnaeus University, 2022), <https://www.diva-portal.org/smash/get/diva2:1734313/FULLTEXT01.pdf>, makes a commendable effort in mapping and categorizing relevant measures. Gender policy frameworks with media-specific provisions include the following: *Beijing Declaration and Platform for Action*, (UN Women, 1995), https://www.icsspe.org/system/files/Beijing_Declaration_and_Platform_for_Action.pdf, Section J; *The Protocol on Gender and Development* (Gaborone, Botswana: Southern Africa Development Community, 2008), https://extranet.sadc.int/files/2112/9794/9109/SADC_PROTOCOL_ON_GENDER_AND_DEVELOPMENT.pdf, Art. 29, 30, 31; "Recommendation CM/Rec(2017)9 of the Committee of Ministers to Member States on Gender Equality in the Audiovisual Sector," Council of Europe, Committee of Ministers, September 27, 2017,

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807509e6>; “Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará),” Organization of American States, 1995, <https://www.oas.org/en/mesecvi/docs/belemdopara-english.pdf>, Chapter 3; “Declaración de Pachuca: On Strengthening Efforts to Prevent Violence against Women,” Organization of American States, 2014, <https://www.oas.org/es/mesecvi/docs/declaracionpachuca-es.pdf>; “Plan of Action for the Advancement of Women,” Organization of Islamic Cooperation, 2008, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/OICPlanActionAdvancementWomen.pdf>, III.3.a, III.4; “Recommendations and Outcomes of the 12th Triennial Conference of Pacific Women,” Secretariat of the Asia-Pacific Community, 2013, https://spccfpstore1.blob.core.windows.net/digitallibrary-docs/files/cb/cbc743a1e8acd31ffe69c2f3658ee42e.pdf?sv=2015-12-11&sr=b&sig=SAfd5p5NDB8MP%2FIo7FhwPr3gMM6Ml1eboeNdsNgEIOY%3D&se=2023-03-29T05%3A34%3A52Z&sp=r&rscc=public%2C%20max-age%3D864000%2C%20max-stale%3D86400&rsct=application%2Fpdf&rscd=inline%3B%20filename%3D%22Triennial_Outcomes.pdf%22, par. 74-77.

² The joint declaration was adopted in May 2022 by the United Nations (UN) Special Rapporteur on the Promotion and Protection of the Right to 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. The text is accessible at: <https://www.ohchr.org/sites/default/files/2022-05/Gender-Joint-Declaration-Freedex.pdf>.

³ UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media, OAS Special Rapporteur on Freedom of Expression, and ACHPR Special Rapporteur on Freedom of Expression and Access to Information, “Joint Declaration on Freedom of Expression and Gender Justice,” May 2022, <https://www.ohchr.org/sites/default/files/2022-05/Gender-Joint-Declaration-Freedex.pdf>, Preamble.

⁴ For a summary review of civil society mobilizing around media gender equality, see Learning Unit 10 of the AGEMI Platform, accessible at: www.agemi-eu.org.

⁵ The meeting was held in Madrid on September 29, 2022, during a two-day post-conference organized by the International Association for Media and Communication Research (IAMCR) Gender and Communication Section and the IAMCR Task Force for the Global Alliance on Media and Gender. The program for the “Gender in Media and Communications in the Digital Age: Post-pandemic Trajectories in Education, Research and Advocacy” post-conference can be accessed at: <https://www.agemi-eu.org/mod/page/view.php?id=734>.

⁶ On the challenge of anti-gender politics and implications for gender equality, see “De-democratization and Opposition to Gender Equality Politics in Europe,” *Social Politics* 28, no. 3 (2021), <https://academic.oup.com/sp/article/28/3/521/6426298>.

⁷ On feminist organizing and neoliberalism between co-optation and resistance, see Catherine Eschle and Bice Maignashka, “Theorising Feminist Organising in and against Neoliberalism: Beyond Co-optation and Resistance?” *European Journal of Politics and Gender* 1, no. 1-2 (2018): 223–39, <https://doi.org/10.1332/251510818X15272520831120>. On implications of the neoliberal logic for a New Gender Deal for the Media and Communication, see also Claudia Padovani, Aimee Vega Montiel, and Carla Cerqueira, “A New Gender Deal for Media and Digital Communications: Rethinking Governance and Narratives,” in *Global Communication Governance at the Crossroads*, eds. Claudia Padovani, Arne Hintz, Veronique Wavre, Gerald Goggin, and Petros Iosifidis (Palgrave Macmillan, 2023).

⁸ *Beijing Declaration and Platform for Action*, UN Women, Section J, par. 240.

⁹ *Ibid.*, par. 241.d.

¹⁰ *Ibid.*, par. 244.a.

¹¹ See Sarah Macharia, ed., *Who Makes the News?* (Global Media Monitoring Project, 2020), https://whomakesthenews.org/wp-content/uploads/2021/07/GMMP2020.ENG_FINAL20210713.pdf; Claudia Padovani, “Gender and Media Policy,” in *The International Encyclopedia of Gender, Media, and Communication*, eds. Karen Ross, Ingrid Bachmann, Valentina Cardo, Sujata Moorti, and Cosimo Marco Scarcelli (Wiley Blackwell, 2020), <https://doi.org/10.1002/9781119429128.iegmc067>; Aimee Vega Montiel and Sarah Macharia, *Setting the Gender Agenda for Communication Policy: New Proposals from the Global Alliance on Media and Gender*, (UNESCO/GAMAG, 2019).

¹² Claudia Padovani and Rossella Bozzon, “Media Gender-Equality Regimes: Exploring Media Organisations’ Policy Adoption across Nations,” in *Comparing Gender and Media Equality across the Globe*, eds. Monica Djerf Pierre and Maria Edström (Nordicom, 2020), 99-144.

¹³ Claudia Padovani, Marinella Belluati, Achilleas Karadimitriou, Christine Horz-Ishak, and Alice Baroni, “Gender Inequalities in and through the Media: Comparing Gender Inequalities in the Media across Countries,” in *Success and Failure in News Media Performance: Comparative Analysis in the Media for Democracy Monitor 2021*, eds. Josef Trappel and Tales Tomas (Nordicom, 2022), <https://doi.org/10.48335/9789188855589-4>, 79-100.

¹⁴ See Carolyn M. Byerly, *Global Report on the Status of Women in the News Media* (Washington, DC: International Women’s Media Foundation, 2011), <https://www.iwmf.org/wp-content/uploads/2018/06/IWMF-Global-Report.pdf>; *European Institute for Gender Equality Annual Report 2013* (Luxembourg: European Institute for Gender Equality, 2013), <https://eige.europa.eu/about/documents-registry/eige-annual-report-2013>; Karen Ross and Claudia Padovani,

Review of the Implementation of the Beijing Platform for Action in the EU Member States: Women and the Media Report (Luxembourg: European Institute for Gender Equality, 2013).

¹⁵ Padovani et al., “Gender Inequalities in and through the Media.”

¹⁶ Sarah Macharia and Joan Barata Mir, *Global Study: Gender Equality and Media Regulation* (Kalmar, Sweden: Fojo Media Institute, 2022), https://fojo.se/genderandmedia/wp-content/uploads/sites/7/2022/03/Gender_Equality_and_Media_Regulation-lowres.pdf, 9.

¹⁷ Macharia and Barata Mir, *Global Study: Gender Equality and Media Regulation*.

¹⁸ On the shortcomings and tensions of gender mainstreaming in public policy, see Francesca Scala and Stephanie Paterson, “Stories from the Front Lines: Making Sense of Gender Mainstreaming in Canada,” *Politics & Gender* 14, no. 2 (2018): 208–34; Carolyn Hannan, “Gender Mainstreaming: Failings in Implementation,” *Kvinder, Køn & Forskning* 1 (2011); Sylvia Walby, “Gender Mainstreaming: Productive Tensions in Theory and Practice,” *Social Politics: International Studies in Gender, State & Society* 12, no. 3 (2005): 321–343; Caroline Moser and Annalise Moser, “Gender Mainstreaming since Beijing: A Review of Success and Limitations in International Institutions,” *Gender & Development* 13, no. 2 (2005): 11–22.

¹⁹ Macharia and Barata Mir, *Global Study: Gender Equality and Media Regulation*.

²⁰ Consulted reports include the following: *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* (Council of Europe, 2015), https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805c7c7e; *Study on Industry-Led Good Practices Related to Gender Diversity in the European Audiovisual Sector* (European Regulators Group for Audiovisual Media Services, 2019), https://erga-online.eu/wp-content/uploads/2020/01/ERGA_2019_SG4_Report.pdf; *All Things Being Equal: Gender Equality Guidelines from Public Service Media* (European Broadcasting Union, 2019), <https://www.ebu.ch/guides/all-things-being-equal-gender-equality-guidelines-from-public-service-media>; *Gender Equality and Media* (Council of Europe, 2019), <https://rm.coe.int/prems-064620-gbr-2573-gender-equality-in-media/16809f0342>.

²¹ In the limited space of an outline, it is not possible to expand and justify a specific focus on (independent) national regulatory agencies (NRAs) and the role they may play in the proposed processes. Yet NRAs could play a crucial role. Suffice here to remind that NRAs have a mandate to guarantee equilibrium between market competition and fundamental rights, as well as pluralism and diversity. They should also guarantee the equilibrium between freedom of the press and citizens’ (particularly women’s and other marginalized groups’) freedom of expression. In due recognition of their status in each national context, their official mandate, and the prerogatives they enjoy, regulatory agencies may do the following: provide consultative advice on legal provisions in the making; oversee the functioning of media; set standards; organize or conduct monitoring—and develop tools to strengthen monitoring capacity, such as those created by the Network of African Communication Regulatory Authorities (Réseau des Instances Africaines de Régulation de la Communication; RIARC) and used across African countries; conduct awareness-raising activities; offer training to media and institutional actors; carry out comparative analyses; network across and between regions; and elaborate their own co-regulatory measures. For these reasons, NRAs are well-positioned to help connect actors, facilitate the sharing of information and knowledge, provide legitimacy to dialogues for gender justice, and channel the results of those dialogues into the policy sphere, as well as across the media sector.

²² *Study on Industry-Led Good Practices Related to Gender Diversity in the European Audiovisual Sector*, European Regulators Group for Audiovisual Media Services.

²³ The original text of the charter on voluntary commitment to fight against stereotypes and sexism in advertising is accessible at: <https://en.calameo.com/read/0045398757fb7de18f7d4?page=1>.

²⁴ Jean J. Boddewyn and Esther Loubradou, “The Control of ‘Sex in Advertising’ in France,” *Journal of Public Policy & Marketing* 30, no. 2 (2011): 220–225.

²⁵ Council of Europe Gender Equality Commission, *Gender and Media Analytical Report* (Council of Europe, 2019), <https://rm.coe.int/prems-064620-gbr-2573-gender-equality-in-media/16809f0342>.

²⁶ *Study on Industry-Led Good Practices Related to Gender Diversity in the European Audiovisual Sector*, European Regulators Group for Audiovisual Media Services.

²⁷ Melanie Cishecki, *Co-regulation: A New Model of Media Regulation*, paper presented at the Expert Group Meeting on “Participation and access of women to the media, and the impact of media on, and its use as an instrument for the advancement and empowerment of women” organized by the United Nations Division for the Advancement of Women (Beirut, November 2002).

²⁸ Ibid.

²⁹ For critical approaches to multistakeholder perspectives and practices, see Milton Mueller, “Are Critics of Multistakeholder Governance Committing a Nirvana Mistake?” Internet Governance Project, July 8, 2014, <https://www.internetgovernance.org/2014/07/08/are-critics-of-multistakeholder-governance-committing-a-nirvana-mistake/>; Jan Aart Scholte, *Multistakeholderism Filling the Global Governance Gap?* (Global Challenges Foundation, 2020); and Martin Fougère and Nikodemus Solitander, “Dissent in Consensusland: An Agonistic Problematization of Multi-stakeholder Governance,” *Journal of Business Ethics* 164, no. 4 (2020): 683–699.

³⁰ Recommendation 7 of the *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* (Council of Europe, 2015), <https://rm.coe.int/handbook-on-the-implementation-of-recommendation-2013-1-of-the-committ/1680590558>, 22.

³¹ Ibid, 23.

³² Macharia and Barata Mir, *Global Study: Gender Equality and Media Regulation*.

³³ UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression et al., “Joint Declaration on Freedom of Expression and Gender Justice,” par. 1.b.

³⁴ In this context, an articulated understanding of power is needed. This understanding must move beyond assumptions of power as the capacity to make others do what they otherwise would not (conceptualized as “power over”), and welcome feminist reflections as to actors’ “power to” foster courses of action and their capacity to engage with others in transformative interventions (“power with”). For references on feminist theorization on power, see Amy Allen, *The Power of Feminist Theory*, 1st ed. (Routledge, 1999). See also “Feminist Perspectives on Power,” *Stanford Encyclopedia of Philosophy*, first published October 19, 2005, substantive revision October 28, 2021, <https://plato.stanford.edu/entries/feminist-power/>.

³⁵ *Beijing Declaration and Platform for Action*, UN Women, Section J, par. 238.

³⁶ Bert Cammaerts and Robin Mansell, “Digital Platform Policy and Regulation: Toward a Radical Democratic Turn,” *International Journal of Communication* 14 (2020).

³⁷ Cammaerts and Mansell discussed the possibility of a radical democratic turn in relation to digital platform policy, but their argument could well be repurposed to fit with the theme and approach of this outline.