



# The EU Mutual Learning Programme in Gender Equality

## Women and the Media

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### Comments Paper - Spain



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# How to put into effect gender equality legislation in Spain

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## 1. Relevant country context

Gender equality is a key priority for the current Spanish Socialist Worker's Party (PSOE) government. As of October 2018, women hold 11 of its 16 ministerial posts. The government also has a secretary for equality, an appointment restored in June 2018, which, headed by Soledad Murillo, comes under the Ministry for the Presidency, Parliamentary Relations and Equality (SEIG). Spain also has the Women's Institute, an independent body that conducts and funds research into equality and gender as well as the representation of women in the Spanish mass media and advertising.

Regarding legislation, the basic law for gender equality is **The Spanish Constitutional Act 3/2007 on Effective Equality between Women and Men**, which requires media organisations to enforce gender policies and equality plans. However, given the limitations of these plans, there is current debate on how to implement effective gender equality legislation in Spain.

### 1.1. Gender equality in media companies

Whereas most graduates in journalism in Spain are women (64% in 2016), gender discrimination remains prevalent across the journalistic profession. First, the number of unemployed women journalists (5,029) is significantly higher than that of men (2,861), and women have fewer permanent contracts (83% men versus 70.6% women)<sup>1</sup>. Furthermore, women across all management levels make up only about a quarter of senior staff and 23% of board members, which is slightly higher (35%) when compared to lower management posts such as heads of department<sup>2</sup>. In comparison with the European average, a similar situation is observed regarding the number of women in decision-making positions in state-owned media (35% and 33%), although this figure sees a 15-point drop in the private media (29% and 14%)<sup>3</sup>. Men, by contrast, account for three quarters of the positions of maximum responsibility and two thirds of the decision-making positions regarding content. Men also earn more despite having less academic and professional training than women do<sup>4</sup>.

Spain has relevant legislation to promote gender equality in the workplace. Specifically, the Spanish Constitutional Act 3/2007 has been a positive measure requiring the media industry in Spain to implement gender equality plans. The Act

<sup>1</sup> Data from the Annual Report on the Profession of Journalism by the Madrid Press Association (2016)

<sup>2</sup> Simelio, N. (2017) "Spain: The difficulties of gender equality plans in breaking the glass ceiling", in: Karen Ross, Claudia Padovani (Ed.), *Gender Equality and the Media: a Challenge for Europe*. Londres: Routledge, 196-207.

<sup>3</sup> Data from the EIGE report (2013). Review of the implementation of the Beijing Platform for Action in the EU Member States. *Advancing gender equality in decision-making in media organisations*. Luxemburg: Publications Office of the European Union.

<sup>4</sup> De Miguel, et. al. (2017) "Mujeres periodistas en España: Análisis de las características sociodemográficas y de la brecha de género". *El Profesional de la Información* 26(3):497.

also includes specific requirements for RTVE (Spain's public radio and television broadcaster) to enforce innovative measures for promoting women to decision-making positions. Although Spanish media companies have created equality plans, as required by law, a lack of oversight as to whether these plans were being implemented has made them ineffective.

The most paradigmatic example is that of RTVE which, in 2012, approved an innovative plan covering all aspects of gender equality in the corporation. However, the application of the plan's measures proved largely ineffective due to a failure to follow them up. In view of the resolve of RTVE's female professional staff and within the framework of the State Pact against Gender Violence, on 22 March 2018 RTVE set up the Equality Observatory, which was tasked to study and report back on the state-owned broadcaster's news reporting, programming and audio-visual output, to eradicate inequality, discrimination and violence against women and their children. The Equality Observatory was also entrusted with undertaking initiatives aimed at achieving the goals entrusted to it, which, among others areas, included "promoting respect for, and knowledge and dissemination of, the principle of equality between women and men and tackling any form of inequality and sexual discrimination in the Corporation's activity"<sup>5</sup>.

## 1.2. Media content

As regards media content, there are also gender stereotypes. However, it is worth noting that the number of women journalists on Spanish television channels surpasses the European Union's average. In a study on gender equality and the media<sup>6</sup>, we found that in Spain women account for 45 percent of journalists who appear in front of the camera on television programs, which is far above the European average of 36 percent. In addition, "the distribution of women and men by category shows even levels of female participation. In the main presenter/show host category, women represent 47 percent of these positions in Spain, performing slightly below the EU average of 48 percent"<sup>7</sup>. However, "the participation of women politicians in the news is very low, averaging 17 percent across the EU, with only 19 (27 percent) women politicians participating in Spain"<sup>8</sup>.

The same study also highlights that the representation of women as subjects of news is extremely low, and that women over 50 years of age are hugely underrepresented. Indeed, most women featured are young, attractive and white, and there is a clear lack of ethnic diversity across the TV landscape. These results are consistent with the findings of the Global Media Monitoring Project (GMMP)<sup>9</sup> report, which shows that women in Spain comprise only 28 percent of the total number of subjects and sources in the print press news and radio and television news and 33 percent in online newspapers and on Twitter. The report also draws attention to a lack of female experts in the media, making up only 9 percent, and the persistence of gender stereotypes, above all in issues such as domestic and sexual violence. Finally, as protagonists of the news, women are always a minority in all news except in stories on crime and violence, where they account for 51 percent of the total.

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<sup>5</sup> RTVE Equality Observatory

<sup>6</sup> Simelio, N. (2017), 196-207.

<sup>7</sup> Simelio, N (2017), 199

<sup>8</sup> Simelio, N. (2017), 199

<sup>9</sup> Simelio, N. (Coord.) (2015) *Global Media Monitoring Project. National Report. Spain*

## 2. Policy debate

### 2.1. Regulatory Framework

Below, we describe the specific legislation related to the policies of gender issues affecting the media.

Legislation	Short description
<b>Spanish Constitutional Act 3/2007 on Effective Equality between Women and Men</b>	Article 3 of this law contains measures to further equality in the mass media with specific rules for state-owned media as well as instruments to enforce these measures in the context of discriminatory advertising. Article 4 concerns the right to equal work opportunities, with measures to guarantee equality between women and men in the access to employment, vocational training and promotion, as well as labour conditions. It also extends workers' rights to include protection from sexual harassment. This clause specifically addresses the duty to negotiate equality plans in companies with over two hundred and fifty workers. Art. 36 establishes that state-owned media will take care to portray an equal, plural and non-stereotyped image of men and women in society, and to promote knowledge and the dissemination of the principle of equality between women and men.
<b>General Audio-visual Law 7/2010 of 31 March</b>	Title IV and title VII contain measures to further equality and avoid gender discrimination in mass media and advertising contents. Specifically, Article 4.2 stipulates that the media must offer information that is "respectful of human dignity and constitutional values, with special attention to the eradication of behaviours that favour situations of inequality among women".
<b>Organic Act 1/2004 of 28 December</b>	Chapter Two of the <b>Organic Act on Integrated Protection Measures against Gender Violence</b> contains specific rules for advertising and the media. Advertising material that uses the image of women in a degrading or discriminatory manner shall be deemed illegal.
<b>General Advertising Law 34/1988 of 11 November, Article 3</b>	Article 3 declares illegal advertisements that portray women in a degrading or discriminatory fashion, either by specifically and directly using their bodies or parts thereof as mere objects unrelated to the product being promoted, or their image associated with stereotyped behaviours which violate the basis of our legal system while contributing to generate the sort of violence referred to in Organic Law 1/2004 of 28 December 2004 on comprehensive protection measures against gender-based violence. Article 6 authorises, among other bodies, the Women's Institute and for Equal Opportunities and the Government Office for Gender Violence to act against illegal sexist advertising.

### 2.2. Plans and Strategies

- **Strategic Plan for Equal Opportunities between Women and Men 2014-2016**  
Approved by the Council of Ministers on 7 March 2014. Axis 6.3 is committed to avoiding the sexist treatment of the image of women in the media and promoting images of a diversity of women.

- **Equal Opportunities Strategic Plan 2018-2021 (In progress).** Strategic Objective 5: To avoid sexism in the media and advertising, to promote images of women's diversity and to strengthen the Women's Image Observatory. Specific objectives include combating sexism and gender stereotypes in advertising, the media and the Internet. Actions to achieve this include the creation of awareness raising and information campaigns and courses as well as an annual advertising award. Further, it will advise public bodies, draw up non-discriminatory treatment protocols and conduct campaigns aimed at combating sexism and gender stereotypes on social networks.

### 2.3. Additional Relevant Resources

- **The Women's Image Observatory.** The observatory, overseen by the Women's Institute, analyses the portrayal of women in media and advertising content to detect sexist or discriminatory treatment of the image of women, which it does through direct monitoring or via complaints from the public. Besides having an effective and formal monitoring system, the observatory also conducts research into the portrayal of women in the media. According to its 2017 report, a total of 58.9 percent of complaints from the public regarding gender discrimination in the media corresponded to the advertising sector, 27.7 percent to the media and Internet, and 13.4 percent to other activities. In the same year, besides issuing 139 notifications and 26 recommendations, the Women's Image Observatory referred 15 cases to other competent bodies and entities, ten to the Women's Institute Legal Area and two to the Solicitor General's Office. It also issued six public statements criticizing sexism in the media.
- **Audio-visual Councils of Andalusia, Catalonia and the Valencian Community.** Among their objectives, the councils promote equality in the media and publish research and reports on television and radio from a gender-based perspective, including pluralism, discriminatory content, protection of minors from audio-visual content, self-regulation, and advertising.

### 2.4. Professionals, associations, civil society and feminist groups

The year 2018 marked a turning point in calling attention to women in the media. As part of a social protest following a media report of sexual violence, a feminist strike was called and widely supported on International Women's Day (March 8). More than 800 women journalists signed a manifesto in support of the strike to achieve greater gender equality in news organisations and the media. Their demands included an end to the wage gap, precarious employment, sexual harassment in the workplace, and the "glass ceiling". In relation to media content, there was criticism that forums and debates were male-dominated and that the media portray partial and biased views of the realities of women.

These aspects have also been prioritised by the new PSOE government since June 2018. Furthermore, back on 10 May 2018, the current deputy PM and Equality Minister, Carmen Calvo, convened a day of reflection in the Senate on "The culture of equality", which saw working groups set agendas and strategies to move forward in the different areas of equality, including the media.

A number of initiatives on gender equality in the media are also being promoted in the academic and research framework as well as by professional associations, such as

the Association of Women Filmmakers, the Journalist Women's Association of Catalonia, the Spanish Association of Professional Women in the Mass Media (AMECO) and the International Network of Journalist Women, Madrid.

### 3. Transferability aspects

Among the aspects to take into account in the discussion paper on France, we highlight the need for a national audio-visual council. Spain continues to be the only country in the EU without such a council, and it would be preferable to have a regulator similar to the *Conseil supérieur de l'audiovisuel* (CSA) that could sanction media organisations that fail to comply with state legislation, in which the Women's Image Observatory has no authority.

Furthermore, as is the case in France, despite the fact that Spanish media companies have implemented equality plans and codes of good practice in accordance with the 2007 law, these have proved ineffective because they depend on the goodwill of the media. In this context, the French "Diversity label" could be a good measure to implement in Spain.

### 4. Conclusions and recommendations

The main recommendations regarding Spain are the need to provide mechanisms to ensure compliance with legislation on equality and the media. Accordingly, priority should be given to the development of specific models of equality plans for media companies with the support of specific legal measures to address current loopholes and apply these measures to all companies. Equality plans should be enforced effectively and, therefore, have some form of control system to evaluate their efficacy on a periodical basis. They must also be disseminated among media professionals. At the same time, it is necessary to continue work on changing institutionalised male-dominated culture, which hinders women from breaking through the glass ceiling.

Media firms should implement training plans to raise awareness of the gender perspective among media professionals, and these companies should appoint a person responsible for ensuring there is neither gender discrimination nor stereotypical portrayals of women in news reporting. In this regard, to raise public awareness, we also recommend that controls are introduced at the state level to assess media content from a gender perspective on a regular basis and that specific measures be established for disciplining media companies that fail to comply with legal regulation.

Another aspect in which progress must be made relates to online gender-based crimes. In this connection, it is necessary to advance legislation in order to define new gender-related crimes specifically associated with the Internet, which is alarmingly amplifying the effects of these crimes against women and children.

In terms of social, cultural and educational aspects, there is a need for integral and horizontal education from a gender perspective and for promoting equality in the curricula of institutes and universities, particularly in Faculties of Communication Sciences. In addition, all contributions in relation to gender equality made by civil society, associations and academia should be taken into account. The results of these studies, research and actions should be included in public debate and in the definition of new equality policies.