



Addressing sexist advertising: the line between freedom of speech and gender discrimination

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Combating sexist advertising: learning from practice
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RELEVANT EXPERTISE:

- Special investigator Swedish Government Official Report (SOU 2008:5) *Sex discrimination and gender stereotypes in adverts*
- Research project *Market driven freedom of speech - Swedish media between democracy and market* (Ragnar Söderberg's Foundation, 2013-2015), together with Maria Edström
- Svensson & Edström, Freedom of expression vs. gender equality – conflicting values in the regulation of gender stereotypes in advertising, *Tidskrift for Rettsvitenskap* hefte 5/2014

SEXIST or GENDER DISCRIMINATORY ADVERTISING

- No universally accepted definition
- Common elements: sexist and stereotypic
- First international definition of sexism: *Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism*, including in advertising.
- “*Sexist advertising is a manifestation of gender discrimination*”

THE FOCUS

- How possible measures to combat 'sexist advertising' is perceived in the Swedish context, given that Sweden
 - is obliged to strive to reach the European and international commitments
 - has a progressive gender equality policy
 - and, so far has been reluctant toward legislation regarding sexist advertising despite several claims to adopt such legislation.

SWEDEN'S POLITICAL STATEMENT

- "The commercialisation and exploitation of women's bodies in advertising, the media and pornography in order to reproduce ideas about the subordination of women is included in the Government's national strategy to prevent and combat men's violence against women." (Tenth periodic report to CEDAW Committee 2019)
- Included in the gender equality policy sub-goal nr 6 (To prevent and combat men's violence against women)

SEXIST ADVERTISING IN SWEDEN

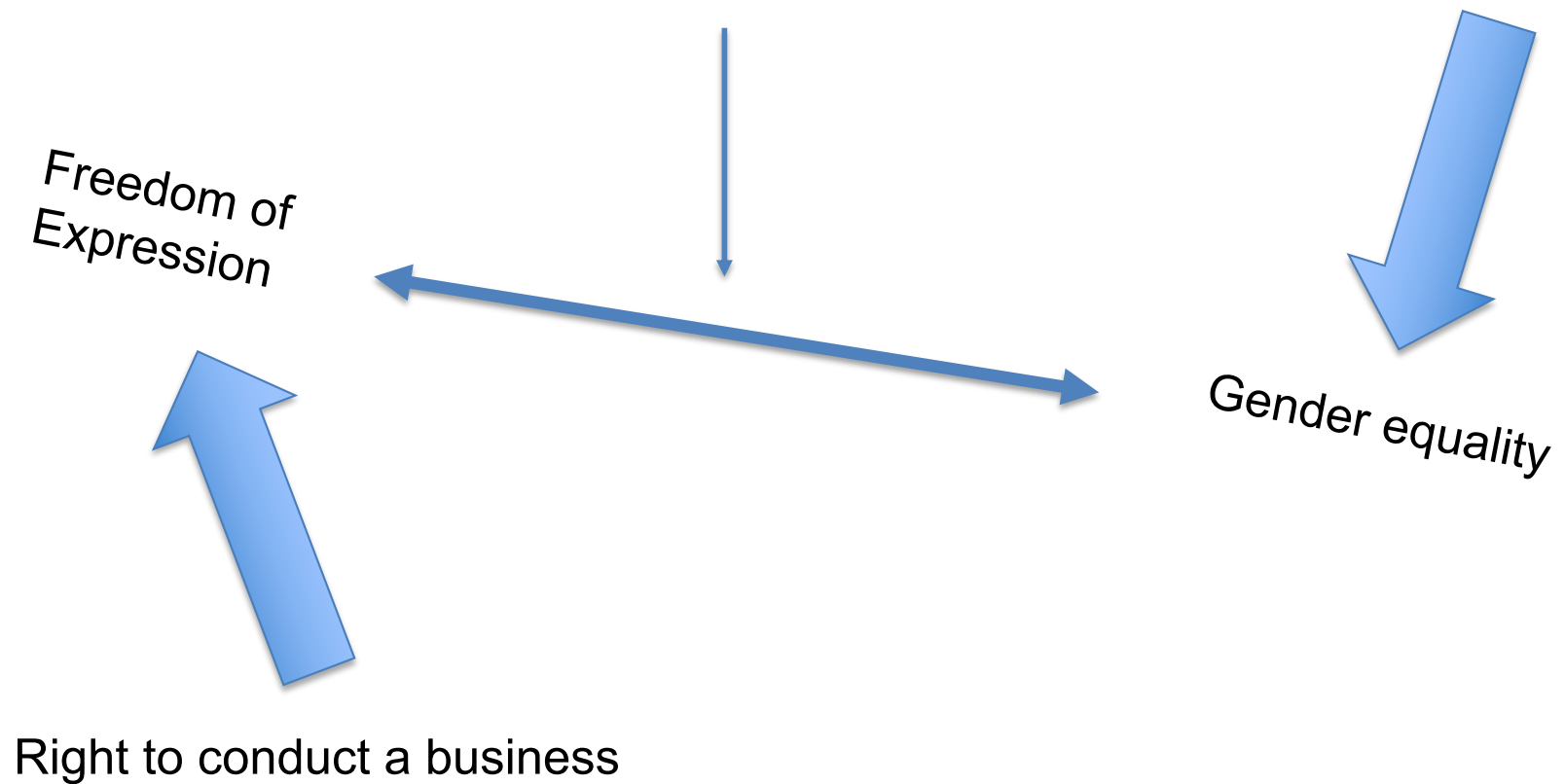
- Not legally regulated, considered as not possible to regulate by law, such regulation is perceived as a restriction of freedom of expression.
- Handled (exclusively) by a self-regulatory body (RO)

“But I don’t think legislation is the most effective means to use, and in this case I would rather protect the freedom of speech than legislate against gender discriminatory advertising.”

Nyamko Sabuni 2008, Minister of gender equality 2006-2013

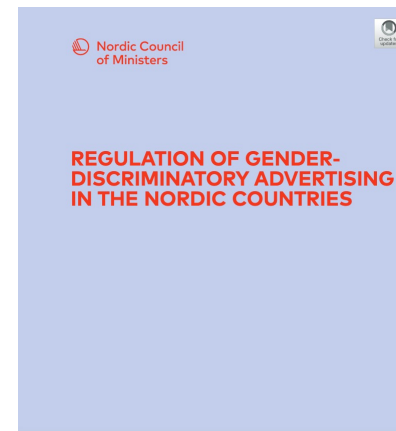
Sexist advertising,

- "contradictory to ambitions and obligations to promote gender equality (as discriminatory)"





Regulation of Gender-Discriminatory Advertising in the Nordic Countries Niina Kosunen, Anna-Rosa Asikainen, Guðný Gústafsdóttir, Heidi Haggrén and Karolina Lång, TemaNord 2017:534, Nordic Council of Ministers.



PUBLIC AGENCIES – equality bodies

- **DO**, advertising is *not* under the scope of DO (and Discrimination Act, i.e. *not* covered by the ban on discrimination). Special mission 'Mapping of gender stereotype and sexist advertising' (2019)
- **Swedish Gender Equality Agency**, established 2018 to contribute to effective implementation of Swedish gender equality policy,
 - Goal 6 To prevent and combat men's violence against women includes 'to prevent commercialisation and exploitation of the female body, in (...) advertising with the *purpose to reproduce women as inferior (cf. CM/REC(2019)1 "with the purpose or effect of..."*)

PUBLIC AGENCIES - Consumers and marketing

- **The Swedish Consumer Agency**, had previously mission reg sexist advertising
- **The Patent and Market Court**, Marketing Act, 'good marketing practice' (ICC) (excluded sexist adverts through MD 1976:8)
- ICC Article 2 Social responsibility: "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".

NGO's COMBATTING SEXIST ADVERTISEMENT

- Swedish Women's lobby
- Allt är möjligt (a media critical initiative)
- - REKLAMERA, a campaign Swedish Women's lobby & Allt är möjligt against sexist advertising,
<https://sverigeskvinnolobby.se/project/reklamera/>
- - Reports (2016) Sexism på köpet, Sexist advertisement in the Nordic countries –An evaluation of regulations and implementation (Swedish Women's lobby)
- - Shadow report to CEDAW

ANALYSIS:

- Several attempts to legislate against sexist advertisement. However: Freedom of speech has always been held as a shield against such legislation.

- WHY? HOW COME?

WHAT CAN WE LEARN FROM SWEDEN and THE WAY FORWARD:

- To put pressure on Sweden to legislate against sexist advertising
- The obligations and the expressed ambitions are there already
- The reliance on the self-regulatory body RO is not enough (even though self-regulation is a good complement)
- Expand the missions of Swedish Consumer Agency, and the Swedish Gender Equality Agency (DO is not relevant, due to its individual focus) to work actively to prevent and combat sexist advertising



Thanks for listening!

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