



## **“GENDER EQUALITY AND THE MEDIA”**

### **GUIDE FOR NEWS PRODUCERS IN AZERBAIJAN**

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## TABLE OF CONTENTS

DEFINITION OF GENDER EQUALITY.....	3
GENDER EQUALITY TODAY.....	4
THE INSTITUTIONAL FRAMEWORK FOR GENDER EQUALITY .....	5
INTERNATIONAL REGULATORY FRAMEWORK FOR GENDER EQUALITY IN THE MEDIA .....	7
United Nations.....	7
Council of Europe Instruments.....	8
European Union standards in gender equality and the media .....	13
The Constitution of the Republic of Azerbaijan.....	13
The Law on Gender Equality .....	14
Labour Code of the Republic of Azerbaijan .....	16
The Law on Prevention of Domestic Violence .....	17
Criminal Code .....	17
Media Laws and Gender Equality .....	18
WOMEN PARTICIPATION IN DECISION MAKING AND MANAGEMENT LEVELS IN THE MEDIA SECTOR.....	20
The Overview of International data and standards of women’s participation in decision making and management levels in the media sector .....	20
Gender equality problem in media management in Azerbaijan .....	23
The issue of "gender equality" in the media functioning .....	25
CONCLUSION .....	28
GUIDE FOR NEWS PRODUCERS IN AZERBAIJAN.....	29
I INTERNAL (In-house) PROCEDURES FOR MEDIA ORGANIZATIONS (Personnel issues) .....	29
II MEDIA PRODUCTION AND EDITORIAL GUIDELINES (Content Programming).....	30
III REGULATORY AND SELF-REGULATORY FRAMEWORK FOR MEDIA, JOURNALISTS AND NEWS PRODUCERS .....	31
REFERENCES AND FURTHER READING .....	32
United Nations.....	32
Council of Europe.....	32
European Union.....	33
Azerbaijan Regulatory Framework.....	33

## DEFINITION OF GENDER EQUALITY

The definition of "gender equality" includes the provision of "de-jure" and "de facto" equality between men and women and the creation of equal opportunities for both sexes in society. Even though women and men as community members share a similar gender gap according to their biological features and anatomical structures they own equal opportunities in socio-cultural environment.<sup>1</sup>

In this view, the term "sex" refers to the biological differences, and "Gender" (also referred to as the social gender) to the roles and responsibilities of the men and women which are shaped within the framework of their social relations<sup>2</sup>. Gender equality is usually defined as “an equal visibility, empowerment, responsibility and participation of both sexes in all spheres of public and private life.”<sup>3</sup>

Biological, anatomical distinction of human beings should neither limit their career opportunities, nor prevent their representation in socio-economic, political and legal environment. Job selection and career building does not depend on the sex of a person, but on his/her knowledge and abilities. Gender equality as one of the fundamental human rights, is not only an issue of moral concern but also a guarantor of peace, welfare and socio-economic development in the world. It alludes to equal opportunities in education, healthcare, political and legal spheres on one hand, and it involves GDP growth by providing equal economic opportunities at the global level on the other.

Gender equality has been identified as one of the key targets in the Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development of the United Nations. It is noted that healthier families, stronger economy and more prosperous life is emerging by creating equal opportunities for women and men in society. In the areas where equality is provided, special development is reported there. The development of the society would not be feasible without gender equality<sup>4</sup>.

Ensuring gender equality in international organizations and countries is an integral part of the political course where gender policy has been developed. Gender equality in the activities of the United Nations, the Council of Europe and the European Union has been assumed as the main mechanism of action.

The roles of the UN Convention on the Elimination of All Forms of Discrimination against Women<sup>5</sup> (CEDAW), as well as the Council of Europe Convention on preventing and combating violence against women and domestic violence<sup>6</sup> (CETS No. 210) in the field of ensuring gender equality is enormous.

The activities of these Conventions are focused on establishing the gender equality worldwide, and creating the gender balance in all areas.

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<sup>1</sup> UN Gender equality and human development report

<https://www.undp.org/content/dam/azerbaijan/docs/publications/sustainabledevelopment/HDtextbook/9.pdf>

<sup>2</sup> *Ibidem*.

<sup>3</sup> “Combating gender stereotyping and sexism in the media”, Council of Europe Gender Equality Strategy, Council of Europe Factsheets.

<sup>4</sup> “2030 Agenda for Sustainable Development of the United Nations” <http://unazerbaijan.org/az/dayaniqli-inkisaf-m%C9%99qs%C9%99dl%C9%99ri/dayaniqli-inkisaf-uzr%C9%99-2030-cu-il-gund%C9%99liyi/>

<sup>5</sup> UN Convention on the Elimination of All Forms of Discrimination Against Women <http://justice.gov.az/prints.php?view=humanrights&id=3>

<sup>6</sup> Convention on preventing and combating violence against women and domestic violence [http://assembly.coe.int/Communication/Campaign/DomesticViolence/HandbookParliamentarians\\_AZ.pdf](http://assembly.coe.int/Communication/Campaign/DomesticViolence/HandbookParliamentarians_AZ.pdf)

Combating gender discrimination, domestic violence, child marriage, improving national legislation in the gender context, awareness raising campaigns serve to create gender balance worldwide. Providing gender balance in society shall mean economic, social, cultural development, democracy, equality, transparency and peace.<sup>7</sup>

## GENDER EQUALITY TODAY

The notion of "gender equality" that came to the fore in scientific, legal and political terms had undergone a considerable improvement and taken significant steps to ensure equality since the mid-twentieth century. Special laws have been adopted in the context of gender equality in a number of countries.<sup>8</sup> Political representation and women's participation in decision-making process has been ensured; the number of female entrepreneurs has increased and preventive mechanisms related to domestic violence have been deployed in several countries. Nevertheless, currently, gender equality has not been fully provided in any country worldwide. Today, the facts of violence against women, gender discrimination, and sexual harassment, infringement of labour and education rights are reported in all countries.<sup>9</sup>

Gender stereotypes are “generalised views or preconceived ideas, according to which individuals are categorised into particular gender groups, typically defined as “women” and “men, and are arbitrarily assigned characteristics and roles determined and limited by their sex.”<sup>10</sup> Stereotypes in society have influenced on women's rights and freedoms until today. Gender budgeting has not been covered in all countries, and only 2% of women and girls are represented in terms of employment related to new technologies and implementation of "start-up" projects.

The reality relies on ineffective implementation of preventive mechanisms in the countries, and the gender equality index, in a better case, has been established between the ratios of 65 to 35. According to estimations women perform 2/3 of the commodity worldwide, yet they receive 10% of their income and own 1% of the global property<sup>11</sup>. Women only hold 19.1% of all seats in parliaments globally. Of the world's 774 million illiterate adults, 2/3 is women, and the share of illiterate women had not changed over the past 20 years. Whereas the main target of gender inequality are girls and women, the victims of this social misery are not only women. Statistics show that gender inequality is a major strike over the development of the entire society and individuals. Deadly operations targeting mainly teenage boys during military conflicts have been engraved in the tragic pages of history. The reason is that there are gender positions and gender stereotypes about the boys being the warriors and the main guarantors of families or tribes in specific societies<sup>12</sup>.

There are still countries with the applications depriving women from their basic rights. For example, in Saudi Arabia, women were allowed to enjoy their driving rights only in June 2018. Women were allowed to spectate at a football match in stadiums only after the 2018 reforms.

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<sup>7</sup> Reports of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan <http://www.scfwca.gov.az/>

<sup>8</sup> World Economic Forum: “Global Gender Gap Report 2018”, “108 Years: Wait for Gender Equality Gets Longer as Women’s Share of Workforce, Politics Drops” <https://www.weforum.org/press/2018/12/108-years-wait-for-gender-equality-gets-longer-as-women-s-share-of-workforce-politics-drops/>

<sup>9</sup> *Ibidem.*

<sup>10</sup> *Ibidem.*

<sup>11</sup> UN Gender equality and human development report <https://www.undp.org/content/dam/azerbaijan/docs/publications/sustainabledevelopment/HDtextbook/9.pdf>

<sup>12</sup> UN Gender equality and human development report <https://www.undp.org/content/dam/azerbaijan/docs/publications/sustainabledevelopment/HDtextbook/9.pdf>

However there are still unrecognized rights of women. For example, a woman cannot open a personal bank account or get a job independently. She should necessarily get a male guardian's approval<sup>13</sup>. Or, although men can swim in public beaches, there is a ban on women's access to public beaches in Iran. Spectating at a football match is also prohibited for women along with men<sup>14</sup>. There are many similar examples in the countries worldwide. This shows that today it is very important to secure the gender equality principle and keep it updated. In some cases equality balance is not only messed up with negative approaches. "Positive discrimination" is about giving preference to any person or group of people who are in the same status for any reasons. For example, the tendencies such as giving gender-based preferences to candidates and hiring of female candidates instead of male by employers despite their achievements of similar scores in recruitment interviews. Or giving preference to female candidates rather than male candidates having the same status for political positions. "Negative discrimination" is about marginalization, exclusion of one of those representing the same criterion and not providing an opportunity for him/her. For example, one of the two female applicants is discriminated based on her pregnancy when it comes to apply for the same vacancy, or receding one of the two literate and qualified persons due to his/her disability. Negative discrimination further undermines the right to equality. However, it is necessary to eliminate two-sided discrimination in order to ensure gender equality. The United Nations "Gender Equality" and World Economic Forum "Gender Inequality Index" reports that if it continues at current rates it would take another 108 years for the gender gap to close on a global scale culturally. Or, in 2200, it would be possible to talk about full equality *in all parts* of the world<sup>15</sup>.

Media is one of the components that play an important role in the programs developed for eliminating gender stereotypes and promoting gender equality in the society. Various media branches – social media, internet media, television, newspapers, and radios have extensive opportunities, but also obligation, in reporting about gender equality topic and in the sphere of destruction of gender stereotypes. However, sometimes it occurs vice versa. In order to gain a ranking, the media workers and news producers sometimes disseminate the type of information unknowingly and without refining them which serve to deepen gender stereotypes; cause to distortions that lead to the violation of gender balance.

This Guide is primarily intended to provide journalists and overall news producers with more information and skills in the sphere of "Gender Equality".

## **THE INSTITUTIONAL FRAMEWORK FOR GENDER EQUALITY**

"Gender equality" is a legal notion. Legal environment protects gender equality and prohibits all forms of discrimination. Legal framework means the entire set of regulatory norms: It covers all ratified international instruments, Constitution, laws, decrees and all the other regulatory acts. However,

Equality is a requirement which is protected and observed not only legally, but also ethically. Therefore, one of the most important documents as part of the institutional gender equality framework was the adoption of Code of Professional Ethics for Journalists (CPEJ) on 1 November 2018, with the support of Council of Europe. People have ethical values regardless of gender, race, religion, language, social group or region.

It has never been easier to assimilate the principle of equality and to bring gender equality to the legal system historically. Over the centuries there have been problems in the equalities of the women and

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<sup>13</sup>"10 bans in Saudi Arabia"<https://www.bbc.com/azeri/international-42343067>

<sup>14</sup>"Life in Iran - Before and after the Islamic Revolution"<https://www.bbc.com/azeri/other-news-47176689>

<sup>15</sup>World Economic Forum:"Global Gender Gap Report 2018" , "108 Years: Wait for Gender Equality Gets Longer as Women's Share of Workforce, Politics Drops"<https://www.weforum.org/press/2018/12/108-years-wait-for-gender-equality-gets-longer-as-women-s-share-of-workforce-politics-drops/>

men communities of different religions and different nationalities. This gap has been more visible in the application of property rights, inheritance rights, liberty rights or political rights. Women have been deprived of basic rights in the majority of communities. This process had continued in the early 20<sup>th</sup> century and even further in a few places.

## INTERNATIONAL REGULATORY FRAMEWORK FOR GENDER EQUALITY IN THE MEDIA

The Republic of Azerbaijan has become a member of the United Nations in 1992 and of the Council of Europe in 2001. After gaining independence, Azerbaijan modifies its national legislation taking into account the documents and guiding principles of international organizations, to which Azerbaijan is a party. In this context the legislation on gender equality is not an exception.

As the gender equality has been prevalent throughout various international instruments as a legal notion, it is important to apply the standards in the country adopted by the United Nations and the Council of Europe. Numerous international initiatives and standards have been modified to ensure gender equality under international organizations' umbrella. The most important international standards relevant for gender equality in the media are presented in this Chapter.

### United Nations

The Republic of Azerbaijan has been an equal partner of the United Nations and interested in acceding to the United Nations documents since 1992, One of such fundamental documents is the International Covenant on Civil and Political Rights. The Covenant was adopted by the UN General Assembly Resolution No. 2200 A (XXI) of 16 December 1966. Upon accession to the UN, the Republic of Azerbaijan ratified and enforced this Covenant by the law. One may find several articles of the Covenant containing the norms that promote gender equality and prohibit gender discrimination. Article 2 suggests:

*Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

*Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.*<sup>16</sup>

Article 26 of the Covenant states that "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination, and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."<sup>17</sup>

The first "Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others" was approved by General Assembly resolution 317 (IV) of 2 December 1949 and had entered into force on 25 July 1951, in accordance with Article 24. The Convention had aimed at preventing trafficking in persons and prostitution which also caused to treating women as a commodity.<sup>18</sup>

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<sup>16</sup> Article 2 of the International Covenant on Civil and Political Rights (ICCPR).

<sup>17</sup> Article 26 of the ICCPR.

<sup>18</sup> Convention for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Others" was approved by General Assembly resolution 317 (IV) of 2 December 1949 and had entered into force on 25 July 1951, in accordance with Article 24.

The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is of particular importance for this subject, in terms of stimulating gender equality in societies. This international convention, which is often called the "Women's Convention," was adopted by the UN General Assembly on 18 December 1979 and ratified by the decision of the Parliament (Milli Majlis) of the Republic of Azerbaijan, No. 1074, dated 30 June 1995. The Convention sets forth, but not limited, the fact of equal rights between women and men irrespective of their marital status, political, economic, social, cultural status or attitudes. States Parties to the Convention commit themselves to undertake legal, political and programmatic measures to abolish discrimination against women in all forms. These commitments suggest carrying out appropriate measures to eliminate discrimination against women in all spheres of life, including marriages, family relationships by any person, organization and institution.

The media has a great potential in view of stimulating social change in modern societies. The Fourth World Conference on Women of the United Nations<sup>19</sup> (Beijing, 1995) emphasized the potential of the media in terms of protecting women's fundamental rights and freedoms, propagating gender equality, as well as contributing to their development. With this in mind, in 2012, UNESCO published "Gender-Sensitive Indicators for Media" (GSIM)<sup>20</sup>.

On 16 February 2001, the Republic of Azerbaijan adopted the Law on the Optional Protocol to the UN Convention on the Elimination of All Forms of Discrimination against Women. The superiority of the Optional Protocol is that Member States should provide periodical reports to the relevant UN Committee at known times in accordance with this document. The fifth periodic report of Azerbaijan was delivered in 2015. According to the report the CEDAW Committee had recommended to the Government of Azerbaijan to take a number of important steps to promote women's rights. These include an Action Plan on elimination of the preference for male children among neonates, adoption of the National Strategy and National Action Plan for prevention of domestic violence, as well as defining a time frame for ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (2011-Istanbul Convention)<sup>21</sup>.

Countries deliver their first national reports one year after ratification of the Convention, and the periodical reports on the subsequent four-year actions performed on the commitments arising from the agreement. The Government of Azerbaijan submitted its sixth periodic report in March 2019.

## Council of Europe Instruments

The European Convention on Human Rights is a capstone document on human rights in each of the 47 member states of the Council of Europe. It had been ratified in Azerbaijan in 2001<sup>22</sup>.

Article 14 of the Convention also covers gender equality. The principle on prohibition of discrimination states: *"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status"*.<sup>23</sup>

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<sup>19</sup> Beijing Declaration and Platform for Action, The Fourth World Conference on Women, 4-15 September 1995

<sup>20</sup> Gender-sensitive indicators for media: framework of indicators to gauge gender sensitivity in media operations and content. <https://unesdoc.unesco.org/ark:/48223/pf0000217831>

<sup>21</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe Treaty Series – No. 210, Istanbul, 11. May 2011.

<sup>22</sup> <http://e-qanun.az/framework/1405>

<sup>23</sup> Article 14 of the ECHR.



Gender discrimination like other gaps which violate equality should not be a distinctive factor of the free exercise of human rights and freedoms.

The Convention contains the protected rights, as well as the rights which are not directly set forth but protected by means of additional Protocols. One of such Protocols includes Article 1 of the Protocol No. 12<sup>24</sup> on general prohibition of discrimination, says the following: “The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”<sup>25</sup> It further adds that “no one shall be discriminated against by any public authority on any ground such as that mentioned in paragraph 1”<sup>26</sup> The main point highlighted in Protocol No. 12 is that no one shall be discriminated against by any public authority. This Protocol has been signed by Azerbaijan authorities on 12 November 2003.

Another importance of the European Convention on Human Rights and regulations of its additional Protocols is that these rights are under judicial protection. The European Court of Human Rights monitors the protection of the Conventional rights. Since April 15, 2002 the Republic of Azerbaijan has accepted the jurisdiction of this court. The judgements of the Supreme Court may be addressed to the European Court within six months of their adoption<sup>27</sup>. The judgements of the European Court on fundamental rights and freedoms, including gender equality, and regarding the violation of gender discrimination principle are final and mandatory.

New norms, rules and recommendations in terms of gender equality have been adopted systematically, along with the capstone documents of the Council of Europe. In particular, numerous decisions and recommendations of the Committee of Ministers of the Council of Europe promote gender equality.

During 1980s, the Council of Europe took several steps of locally importance in this direction.. Furthermore, the Secretariat of the Council of Europe had consecutively approved the documents on the status of women and on the women in politics.

The Recommendation No. (Rec-84) 17 of the Council of Europe "On Equality between Women and Men in the Media"<sup>28</sup>, adopted in 1984 proposed that media organisations should be encouraged to adopt “positive action programmes to improve the situation of women, particularly at decision-making levels and in technical service”<sup>29</sup>, that they should implement the equal treatment principle “between women and men as a result of rules laid down for the recruitment, training, remuneration, promotion and any other conditions of employment of persons employed in the media”<sup>30</sup>. Women should be encouraged to participate “in an equitable proportion in media supervisory and management bodies”<sup>31</sup> as well as to participate “in talks and discussions broadcast by the media”.<sup>32</sup> Publicity

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<sup>24</sup> <http://e-qanun.az/framework/2394>

<sup>25</sup> Protocol No 12, Article 1 (1)

<sup>26</sup> Protocol No. 12, Article 1 (2)

<sup>27</sup> “As regards the six-month time-limit set out in Article 35 (1) of the Convention, please note that following the entry into force of Rule 47 of the Rules of Court on 1 January 2014, the date of introduction of an application is the date on which a duly completed application form accompanied by copies of all the relevant documents is sent to the Court.” (Admissibility Guide, Bringing the Case to the European Court of Human Rights). In addition, in order to maintain the effectiveness of the Court, Protocol No.15 amending the Convention for the Protection of Human Rights and Fundamental Freedoms, opened for signatures on 24 June 2013, has prescribed the “shortening from six to four months the time limit within which an application must be made to the Court.” (Details of Treaty No.213)

<sup>28</sup> Recommendation No. (Rec-84) 17 of the Council of Europe "On Equality between Women and Men in the Media <https://rm.coe.int/recommendation-on-gender-equality-and-media-recommendation-of-the-comm/16807701f4>

<sup>29</sup> The Recommendation No. (Rec-84) 17 of the Council of Europe "On Equality between Women and Men in the Media, Point 6.

<sup>30</sup> *Ibidem*, Point 8,

<sup>31</sup> *Ibidem*, Point 9.

campaigns sponsored by the public authorities in the media have to avoid “any sexual stereotyping [...] any exploitation of the bodies of women and men to draw attention to good or services”<sup>33</sup>

In 1986, the Parliamentary Assembly of the Council of Europe adopted the Resolution 855 (1986) on “Equality between men and women”<sup>34</sup>. The Resolution 1018 (1994) on the “Equality of rights between men and women”<sup>35</sup> was adopted by Parliamentary Assembly in 1994, followed by “Resolution on Increased representation of women in the Council of Europe’s Parliamentary Assembly” adopted in 1996, by which the principles of equal representation of women and men in the committees and other bodies of the Council of Europe have been enshrined. The Council of Europe has become an example of ensuring equality between women and men in its structures.<sup>36</sup>

The Recommendation Rec(90)4 on the elimination of sexism from language was adopted in 1990, and it, in particular, proposes that the governments have to encourage the non-sexist language, to incorporate such a language in their legal framework and to, in particular, insist on the use of non-sexist language in the media.<sup>37</sup>

The Recommendation CM/Rec(2003)3 on balanced participation of women and men in political and public decision making invites for equal participation of women in all parts of the media process, and in particular to “promote balanced participation in decision-making positions in the media, including management, programming, education, training, research and regulatory bodies”.<sup>38</sup>

The Council of Europe adopted the Convention on Action against Trafficking in Human Beings in 2005<sup>39</sup>. However, years later even though the documents have been adopted, some problems had remained undeniably. For this reason, in 2011, the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, which briefly referred as the Istanbul Convention)<sup>40</sup> was adopted. This Convention has not yet been neither signed nor ratified by Azerbaijan.<sup>41</sup> However, the ratification of the document has been recommended to the government as a step forward to be taken in the UN Universal Periodic Reviews.<sup>42</sup>

The year 2007 was fruitful for this specific topic in Council of Europe. Two recommendations were adopted, both introducing new assignments related to gender and equality in public service media. The Recommendation CM/Rec(2007)2 on media pluralism and diversity of media content and Recommendation CM/Rec(2007)3 on the remit of public service media in the information society both say that the public service media should “play an active role in promoting social cohesion and integrating all communities, social groups and generations [...] while respecting their different

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<sup>32</sup> *Ibidem*, Point 10.

<sup>33</sup> *Ibidem*, point 11.

<sup>34</sup> The Council of Europe Parliamentary Assembly Resolution 855 (1986) on “Equality between Men and Women”

<sup>35</sup> The Council of Europe Parliamentary Assembly Resolution 1018 (1994) on the “Equality of rights between Men and Women”

<sup>36</sup> [http://www.europarl.europa.eu/workingpapers/femm/105/text\\_en.htm](http://www.europarl.europa.eu/workingpapers/femm/105/text_en.htm)

<http://gender-az.org/doc/az/education/acrg/konferec.html>

<sup>37</sup> See more: Recommendation Rec(90)4 on the elimination of sexism from language, p. 2

<sup>38</sup> Recommendation CM/Rec(2003)3 on balanced participation of women and men in political and public decision making, paragraph 39,

<sup>39</sup> Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series – No.197, Warsaw, 16. May 2005.

<sup>40</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, Council of Europe Treaty Series – No.210, Istanbul, 11 May 2011.

<sup>41</sup> On the day of 19 May 2019.

<sup>42</sup> Reports of the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan <http://www.scfwca.gov.az/>

identities and needs. In this context, attention should be paid to the content created by and for such groups, and to their access to, and presence and portrayal in, public service media. Due attention should also be paid to gender equality issues.”<sup>43</sup>

The Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms calls media organisations to create self-regulatory frameworks where the issue “of sex-based discrimination/gender equality, [...] the use of non-sexist language and [...] of non-stereotyped images and [...] of violent or degrading materials”<sup>44</sup> should be incorporated. Also, it suggests that “states should encourage effective measures to ensure that gender equality, as a principle of human rights, is respected in the media, in accordance with the social responsibility that is linked to the power they hold in modern societies”<sup>45</sup>.

The Recommendation CM/Rec(2011)7 on a new notion of media invites creators or media content, editors and distributors of it to “adhere to relevant professional standards, including those designed to combat discrimination and stereotypes and to promote gender equality.”<sup>46</sup> Further on, this Recommendation calls upon women to get involved in the “creation, editorial and distribution processes.”<sup>47</sup>

The Recommendation CM/Rec(2013) on gender equality and media is one of the most important recent documents in this matter. Genuine democracy requires the equal participation of women and men in society. Democracy and gender equality are interdependent and mutually reinforcing. The inclusion of women and men, with respect for equal rights and opportunities, is an essential condition for democratic governance and sound decision making. Gender equality means equal visibility, empowerment, responsibility and participation of both women and men in all spheres of public life, including the media. The Recommendation looks at gender equality “an integral part of human rights.”<sup>48</sup> This document claims that “the exercise of freedom of expression can advance gender equality.”<sup>49</sup>

The results of the conference „The Media and the Image of Women“, held in Amsterdam on 4-5 July 2013 were of creation of policy papers, namely “to condemn and combat sexist imagery, language and practices by setting clear standards and consequences for the industry, and provide progress monitoring [...] and to ensure that internal codes of ethics and conduct, including procedures for complaint, are widely known to the public and easy to access.”<sup>50</sup> One of the proposed ways for publication of information was the publishing on media web sites.

Recommendation CM/Rec(2014)6 of the Committee of Ministers to member States on a Guide to human rights for Internet users suggests that “In your interactions with public authorities, Internet service providers and providers of online content and services, or with other users or groups of users, you must not be discriminated against on any grounds such as gender, race, colour, language, religion

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<sup>43</sup> Recommendation CM/Rec(2007) on media pluralism and diversity of media content, Point 3.2. and Recommendation CM/Rec(2007)3 on the remit of public service media in the information society, Chapter II, Para b, point 8.

<sup>44</sup> *Ibidem*, Para 48, point iii.

<sup>45</sup> *Ibidem*, Para 49.

<sup>46</sup> Recommendation CM/Rec(2011)7 on a new notion of media, Para 86.

<sup>47</sup> *Ibidem.*, Para 86 .

<sup>48</sup> Para 3 of the Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media (Adopted by the Committee of Ministers on 10 July 2013 at the 1176<sup>th</sup> meeting of the Ministers’ Deputies),

<sup>49</sup> *Ibidem*.

<sup>50</sup> The Report from the conference „Media and the Image of Women“, held in Amsterdam on 4-5 July 2013; Gender Equality Commission GEC), Council of Europe; Strasbourg, 18 November 2013; p.48

or belief, political or other opinion, national or social origin, association with a national minority, property, birth or other status, including ethnicity, age or sexual orientation"<sup>51</sup>.

Recommendation CM/Rec (2017) 9 of the CM on gender equality in the audiovisual sector for the first time offers Guidelines for improving gender equality in audiovisual sector and concrete measures for its implementation. One of the most important measure is related to securement of key figure in the audiovisual sector to “observe gender equality principles in their decision making and practice.”<sup>52</sup>

One of the strategic objectives set out in the Work Plan for 2018-2019 of the Gender Equality Commission (GEC), which is the latest document<sup>53</sup> of the Council of Europe in terms of gender equality, is the prevention and combat of gender stereotypes and sexism. The media have a significant role to play in fulfilling this decision. It is noted that "Journalists shall not specifically emphasize sexual belonging in the media".<sup>54</sup>

The latest Recommendation CM/Rec(2019)1 on preventing and Combating Sexism was adopted on 27 March 2019 in response to recent movements, such as #MeToo, that heightened the existence of sexism in all spheres of a society. This Recommendation requires from Governments of the Council of Europe to „take measures to prevent and combat sexism and its manifestations in the public and private spheres, and encourage relevant stakeholders to implement appropriate legislation, policies and programmes“, to ensure translation and dissemination of this recommendation and to monitor the progress of its implementation. The Appendix to Recommendation contains Guidelines for preventing and combating sexism, together with measures for implementation. The sexism is defined as „Any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether

Online or offline, with the purpose or effect of: i) violating the inherent dignity or rights of a person or a group of persons; or ii). Resulting in physical, sexual, psychological or socio-economic harm or suffering to a person or a group of persons; or iii.) Creating an intimidating, hostile, degrading, humiliating or offensive environment; or iv). Constituting a barrier to the autonomy and full realisation of human rights by a person or a group of persons; or v.) Maintaining and reinforcing gender stereotypes.“<sup>55</sup> The Recommendation recalls the findings and recommendations of the Council of Europe Conference Media and the Image of Women about sexism in the media, whether that are electronic, print, visual and audio – that “contributes to an environment that tolerates and trivialises “everyday” sexism”<sup>56</sup>, manifested through sexual, sexualised and racialised depictions and objectification of women, men, girls and boys, including in advertising, films, television, video games and pornographic material; derogatory or trivialising reporting about women’s appearance, dress and behaviour rather than balanced and informed discussion of their views and opinions; reporting and imaging women and men in stereotypical roles within the family and community; reproducing and perpetuating gender stereotypes with respect to victims of gender-based violence; unbalanced representation and the lack of meaningful participation of women in diverse professional and informative roles (experts, commentators), especially with respect to minority women”.<sup>57</sup>

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<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804d7bf3>

<sup>52</sup> Recommendation CM/Rec (2017) 9 of the CM on gender equality in the audiovisual sector

<sup>53</sup> In May 2019.

<sup>54</sup> <https://rm.coe.int/coe-strategy-for-gender-equality-azerbaijani/16808c76aa>

<sup>55</sup> Recommendation CM/Rec(2019)1 on preventing and Combating Sexism, adopted by the Committee of Ministers of the Council of Europe on 27 March 2019, p.10.

<sup>56</sup> *Ibidem*.

<sup>57</sup> *Ibidem*.

The Recommendations adopted at the end of the twentieth century “still constitute values promoted by the Council of Europe and they should all be reflected in national legislation and self regulatory Code of Conducts.”<sup>58</sup> The most relevant principles for gender equality and the media are still pending to be implemented in full in most of the Council of Europe Countries.

## **European Union standards in gender equality and the media**

The European Union has put the issue of gender equality in its core. Article 2 of the Treaty of the EU says that “the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.”<sup>59</sup>

The European Union set five priorities within the Strategy for equality between women and men 2010-2015<sup>60</sup>. Those are: equal economic independence; equal pay for equal work and work of equal value; equality in decision-making; dignity, integrity and an end to gender-based violence; gender equality in external actions and horizontal issues.<sup>61</sup> In its Strategic Engagement for gender equality 2016-2019 the Commission had reaffirmed its priorities in these five areas and introduced the legislative, non-legislative and funding means to achieve these objectives.<sup>62</sup>

Finally, the European Commission set out gender equality and women’s empowerment as one of its priorities in external relations, reaffirming that “gender equality is a matter of human rights. It is the foundation of democratic societies and good governance, and the cornerstone of inclusive sustainable development.”<sup>63</sup>

After gaining independence, Azerbaijan modifies its national legislation taking into account the documents and guiding principles of international organizations, to which Azerbaijan is a party. In this context the legislation on gender equality is not an exception.

## **The Constitution of the Republic of Azerbaijan**

In view of gender equality protection, the Constitution of the Republic of Azerbaijan comes first on the top of the national legislation, which has been adopted by referendum in 1995. Paragraph 2,

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<sup>58</sup> Surculija Milojevic, Jelena, *The Review of the updated Code of Ethics for Azerbaijani journalists from a gender equality perspective*, Council of Europe Office in the Republic of Azerbaijan, July 2018.

<sup>59</sup> The Consolidated Version of the Treaty on European Union, Official /Journal of the European Union C326, 26.10.2012

<sup>60</sup> Strategy for equality between women and men 2010 – 2015, Communication from the Commission to the European Parliament, the Council , the European Economic and Social Committee and the Committee of the Regions, Brussels, 21 September 2010.

<sup>61</sup> Strategy for equality between women and men 2010-2015, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 21.9.2010 COM(2010) 491 final

<sup>62</sup> See more: Strategic Engagement for Gender Equality 2016-2019, Publication office of the European Union, Luxembourg, 2016, p. 9.

<sup>63</sup> European Commission, Joint Staff Working Document, Gender Equality and Women’s Empowerment: Transforming the Lives of Girls and Women through EU External Relations 2016-2020

Article 25 of the Constitution which regulates the equality rights, by saying “*II. Men and women possess equal rights and liberties*” it has guaranteed the gender equality. Paragraph 3 of the same article states that "the state guarantees equality of rights and liberties of everyone, irrespective of race, nationality, religion, language, sex, origin, financial position, occupation, political convictions, membership in political parties, trade unions and other public organizations". Paragraph 4 states that, no one may be harmed, granted allowances or privileges, or deprived from granting allowances and privileges on the basis of the grounds elaborated above. Paragraph 5 of the same article states that “equal rights shall be provided for everyone in relationship to the state institutions making decisions on rights and responsibilities and those having the competencies of state authority”.

Article 34 of the Constitution which regulates the right for marriage has touched upon the gender equality-related issue, emphasizes the equality of the parties in marriage, denotes that marriages shall be concluded voluntarily and nobody should be forced into marriage. Paragraph 2 of the Article 34 states that rights of wife and husband are equal, and care and education of children constitute both right and responsibility of parents. Thus, the fact that the role division in the family, childcare and nurture of the children are mainly loaded on mothers as traditional stereotypes has been emphasised legally unacceptable.

## **The Law on Gender Equality**

Guaranteeing gender equality in the Constitution has also contributed to give directions to the formation of the national legislation. On 10 October 2006, the Parliament of the Republic of Azerbaijan adopted the Law of the Republic of Azerbaijan "*On the Gender Equality (men and women)*"<sup>64</sup>.

The purpose of the law constitutes ensuring gender equality by eliminating all forms of gender discrimination, creating equal opportunities for men and women participation in political, economic, social, cultural and other fields of social life. The law includes various definitions related to gender equality and their scope has been clarified:

Gender Equality- equality of men and women rights, equal opportunities to exercise their rights and equal social status in the society;

Equal Opportunities – equal conditions and provisions created for men and women to exercise human rights;

Gender discrimination - sexual harassment, any distinction, exclusion or privilege curtailing or denying to exercise rights on the grounds of gender;

Sexual harassment – immoral behaviour humiliating and abusing a person of opposite gender comprising of physical acts (touching, hand touching), offensive remarks, gestures, threats, disgracing advances or offers in employment or service relations.

Under the law, all forms of gender discrimination, including sexual harassment, are prohibited. However, there are some symptoms of *positive discrimination* in the law. However, these are not considered discriminatory, but are recognized as the key to ensure gender equality in the country. For example:

Compensations, privileges and fringe benefits for females specified by the Labour Code of the Republic of Azerbaijan;

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<sup>64</sup><http://e-qanun.az/framework/12424>

induction of men to active military (alternative) service; differences in pension and marriage ages for males and females specified by law;

curtailing the right of the husband to claim for divorce within the period of pregnancy of the wife or within 1 year after the birth of a child without the consent the wife stipulated by Article 15 of the Family Code of the Republic of Azerbaijan<sup>65</sup>.

creating distinctive conditions for males and females in penitentiaries;

implementing specific measures with the purpose of ensuring gender equality -

are regarded as positive discrimination and they do not violate gender equality. The law also outlines the tasks of the State to ensure gender equality. The State shall take measures to eliminate all forms of gender discrimination, create equal opportunities for men and women, and prevent preference of genders in public administration and decision-making processes.

In the law, the responsibilities to eliminate gender discrimination of the employer have been listed as follows: treating employees equally regardless of their gender in employing, promoting, enhancing professional training, mastering new specialty and training aimed to increase qualification, assessing the work performance quality and dismissing, and creating equal opportunities; creating the same working conditions for employees performing the same jobs regardless of their gender; not applying different disciplinary penalties for the same breaches committed by employees regardless of their gender; taking necessary measures to prevent gender discrimination and sexual harassment.

Equal salary or wages, as well as bonuses and other motivating payments shall be paid to employees for performing the same job of the same value in the same working conditions, having the same qualifications regardless of gender. In case of differing salary or wages, bonuses and other motivating payments an employer shall justify on demand of an employee that the reasons of difference are not on grounds of gender.

Any pressure against workers who are exposed to sexual harassment is impermissible. According to Article 17 of the Law on Gender Equality, any damage caused to employees who are exposed to sexual harassment shall be compensated by an employer in compliance with the legislation of the Republic of Azerbaijan.

Moreover, different selection requirements for males and females, preference of any gender member, information on marital status or private life of the job applicants in job advertisements shall be disallowed. For example, the queries such as pregnancy or planning marriage in the near future should not be given. Publishing advertisements which contain humiliating contents and contradict the principle of equal rights of men and women shall be prohibited. Advertising a vacancy only for one gender member shall be disallowed. It is permitted with the only exception, i.e., in case the gender of an employee is stipulated due to the features of labour functions or female performance for such jobs is prohibited pursuant to the Labour Code. For example, dissemination of the announcements such as "only young girls can join to the competition" is inadmissible. Creation of equal opportunities for the exercise of the right to education is also among the assignments of the State. The employer shall create equal conditions for men and women to exercise their rights to basic and further education and taking a leave related to education. The State shall ensure creating equal opportunities for men and women in admission to all educational institutions, providing students with scholarship, selecting the curricula and evaluating their knowledge regardless of type of property.

Fully modified gender equality in society also depends on the *educational process and the quality of teaching*. Therefore, textbooks shall be based on the principle of gender equality, and the stereotypes that explicitly undermine the gender equality or addressed instinctively should not be included into

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<sup>65</sup><http://e-qanun.az/code/10>

the textbooks. If all textbooks are filtered through gender equality quick results can be achieved in this issue.

According to the Law on Gender Equality, applying differing requirements for men and women in admission, developing a curriculum or evaluating knowledge; and creating differing opportunities for men and women in selecting the field of education shall be referred gender discriminatory acts in educational institutions. The State should ensure creation of equal opportunities for men and women to exercise their rights to education.

Another assignment of the state is to ensure gender equality in economic and social relations. The State guarantees the enjoyment of equal rights for men and women to exercise their rights of ownership and to engage in entrepreneurship, at the same time ensuring equal opportunities for both parties to implement social security rights, to receive targeted state social aids and other social benefits.

Gender equality in the activities of political parties, non-governmental organizations and trade unions shall be ensured, equal conditions of admission shall be provided and equal opportunities shall be created for men and women to join to political parties, non-governmental organisations and trade unions.

These terms are exclusive and are not referred to non-governmental organizations created to protect the interests of any sex and are not regarded as inequality. For example, as a women's rights protection organization.

The Law on Gender Equality stipulates that the damage to the people exposed to gender discrimination shall be compensated as prescribed by the legislation of the Republic of Azerbaijan.

The persons who are found guilty in violating the provisions of the Law shall be liable in accordance with the legislation of the Republic of Azerbaijan. The State Committee for Family, Women and Children Affairs shall monitor the compliance of gender equality with the Law on Gender Equality, as a relevant executive authority.

## **Labour Code of the Republic of Azerbaijan**

Article 12 of the Labour Code of the Republic of Azerbaijan<sup>66</sup> (defining the main obligations and responsibilities of an employer) suggests creating equal opportunities and equal approach to employees in employment, dismissal from work, advanced training, mastering a new specialty and professional development and assessment the quality of work regardless of gender. It also suggests taking measures to ensure equal working conditions for the workers performing the same activity regardless of gender, and not applying different administrative discipline measures to employees for the same misconduct, and taking necessary measures to prevent discrimination based on gender and sexual harassment.

Article 16 of the Code defines the unacceptability of discrimination in labour relations. No discrimination among employees shall be permitted on the basis of citizenship, sex, race, religion, nationality, language, place of residence, property status, community and social origin, age, family status, faith, political views, affiliation with trade unions or other public unions, service position as well as other factors which are unrelated to the professional qualifications, professional competencies and job performance of employees in the labour relations, nor shall it be permitted to establish privileges and benefits or directly or indirectly restrict rights on the basis of these factors.

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<sup>66</sup><http://e-qanun.az/code/7>



The Labour Code has established that incentives, privileges and additional protection for women, the persons with disabilities, persons under 18 years of age, and others in need of social protection shall not be considered discrimination in the labour relations.

Employers or other individuals that permit the discrimination in the labour relations process shall bear appropriate responsibility prescribed by law. A person subjected to discrimination may seek recourse in a court of law.

### **The Law on Prevention of Domestic Violence**

One of the problems in ensuring gender equality is domestic violence in the relations between women and men. Sometimes it is unclear to public when women and girls are subjected to various harassments, domestic violence, and reasons for them being kept out of education and employment. In order to prevent this and other forms of violence, the Law of the Republic of Azerbaijan on Prevention of Domestic Violence<sup>67</sup> was adopted on 22 June 2010. The law provides for taking measures mainly in three areas. They are:

*legal actions, i.e. examination of cases of domestic violence, and calling persons who have committed domestic violence to account;*

*social actions, i.e. actions concerning social protection of aggrieved persons suffered from domestic violence, including provision at public expense of temporary shelter, legal and medical assistance and socially-oriented measures;*

*informative actions, i.e. raising awareness of negative legal, medical and social consequences of domestic violence to the public and other public education activities related to prevention of domestic violence.*

### **Criminal Code**

The Criminal Code of the Republic of Azerbaijan<sup>68</sup> provides for the approach and responsibility for prohibiting various elements of gender discrimination. Article 6 of the Code provides for the principle of equality before the law and affirms that the persons who have committed crimes shall be equal before the law and shall be subjected to criminal liability irrespective of race, nationality, religion, language, gender, origin, property status, official capacity, belief, affiliation to political parties, trade unions and other public associations, and also other circumstances.

Article 106 suggests that a sexual slavery or an encroachment on sexual freedom on grounds of slavery shall be considered a criminal offense, and shall be punishable by imprisonment for the term from 5 up to 10 years.

Article 109 of the Code provides for persecution of any group or organization on political, racial, national, ethnic, cultural, religious motives, motives of a sexual belonging or on grounds of another motive forbidden by norms of international law, that is gross violation of rights of people for a belonging to these groups or organizations, connected with other crimes against safety of humanity, and shall be punishable by imprisonment for the term of from five till ten years.

Article 154 of the Criminal Code specifically defines the responsibility for Infringement of equality right (equality of citizens). Infringement of equality of citizens depending on race, nationalities, religious, language, origin, property or official position, belief, affiliation with political parties, trade unions and other public associations, with causing harm to rights and legitimate interests of citizens,

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<sup>67</sup><http://e-qanun.az/framework/20131>

<sup>68</sup><http://e-qanun.az/code/11>

and is punishable by fine of one thousand to two thousand manats or by corrective works for the term of up to one year. If the same actions are committed by an official with use of the service position, it shall be punishable by fine of two thousand to three thousand manats, or by corrective work for the term of up to two years, or with imprisonment for the term of up to two years with deprivation of the right to hold the certain position or to engage in the certain activities for the term of up to three years or without it.

The above-mentioned norms of the Criminal Code are more generic, and are dissuasive in terms of prevention of discrimination and violation of equality rights. New legislative acts are adopted in order to ensure gender equality in the country with some commitments being delegated to the government agencies. The realization of each of these commitments requires accountability.

## **Media Laws and Gender Equality**

One of the most important issues in eliminating discrimination in society is related to the media in ensuring gender equality. Fully understanding the essence of the principle of gender equality of the mass media representatives and journalists and their performance, by knowing that the benefits that it would provide to the community, may lead to the elimination of gender inequalities and retreat of negative stereotypes in society. Journalists should precisely know the legal and ethical regulations of gender equality and avoid viciousness in their activities.

Article 10 of the Law on Mass Media of the Republic of Azerbaijan<sup>69</sup>, adopted on 7 December 1999, prohibits the abuse of media freedom:

*Use of the mass media with the purposes of dissemination of secrets guarded by the legislation of the Republic of Azerbaijan, violent overthrow of an existing constitutional state formation, conspiracy of integrity of the state, propagation of war, violence and cruelty, national, racial, social hate or intolerance, printing under cover of a title of an authoritative source of hearings, lie also of prejudiced publications humiliating honour and a dignity of the citizens, pornographic materials, slander or commit other unlawful acts shall not be admitted.*<sup>70</sup>

Prior to 2001, gender discrimination was also mentioned when discrimination types were listed (prior to amendment of this article of the law). However, the law was amended in 2001, and discrimination acts were banned in more general terms, and gender discrimination was excluded from the text.

Subsequently, on 1 December 2017, "as well as disseminating other prohibited information"<sup>71</sup> was added to this article: Thus, although it is more commonly expressed, the non-discrimination also appears to be related to gender discrimination.

Another law which links the media which ensures gender equality is the Law on Public Television and Radio Broadcasting<sup>72</sup>. According to Article 8.4 of this Law, the staff hired and promoted in the public broadcasting service or assigned to higher positions in the other services of the public broadcasting cannot be restricted due to race, gender, religious affiliation or political views.

Article 17 of the law draws attention to another point. There is one provision that is regarded as a positive discrimination in the process of formation of the Broadcasting Council which is the supreme governing body of the public broadcasting. The names of women societies have also been included into the 9 different subjects that have the right to nominate a member of the Council. Its goal is to

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<sup>69</sup><http://e-qanun.az/framework/30>

<sup>70</sup> Law on Mass Media of the Republic of Azerbaijan, Article 10 <http://www.e-qanun.az/framework/30>

<sup>71</sup><http://e-qanun.az/framework/37419>

<sup>72</sup><http://e-qanun.az/framework/5546>

promote the role of women in the management of public broadcasting. Currently there are 2 female members in the Broadcasting Council<sup>73</sup>.

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<sup>73</sup><http://e-qanun.az/framework/25639>

## WOMEN PARTICIPATION IN DECISION MAKING AND MANAGEMENT LEVELS IN THE MEDIA SECTOR

In determining gender equality as one of its priorities in the 21<sup>st</sup> century, the Council of Europe calls the media "one of its natural partners"<sup>74</sup> in the implementation of the Gender Equality Strategy. It is declared that "media freedom and gender equality are indispensable and inter-related". Gender inequality problem in society is reflected in the media dimension, as a lack of representation of women in the media business, editorials and leadership positions, concurrently, in the information policy. The problem is more visible in the facts such as less visibility of women in the information content, rare participation of women in the mass media as experts, and circumstantial absence of the women's opinions. Finally, it is noted that media can both "create an obstacle to the structural changes of gender equality and accelerate them".<sup>75</sup>

### The Overview of International data and standards of women's participation in decision making and management levels in the media sector

Despite all the efforts by international and regional organizations to boost the women's participation in decision making and management levels in the media sector, the results are still not good enough.<sup>76</sup> Women are still "mostly overlooked for promotion for reasons other than their competence, including their gender (discrimination on grounds of sex) and their (in)flexibility to take on new opportunities because of their domestic and/or family responsibilities (discrimination on grounds of family or caring role). Sometimes women do choose to prioritise family over career but this is often because workplace cultures make it impossible to achieve a work-life balance which benefits both the individual and the employer."<sup>77</sup>

When it comes to researches on position of women on top management positions in the media, unfortunately, there are not many results available.

One of the first studies of women's employment in the media was conducted by Margaret Gallagher in 1995, for UNESCO. The result showed that only eight out of 239 organizations covered by the survey were ran by women – so only 3 per cent, while "the very top jobs in the media – director general, chief executive, president – were almost exclusively occupied by men."<sup>78</sup> Gallagher discovered that on average, "men were seven times more likely than women to reach the top."<sup>79</sup> When it comes to women's participation in internal decision-making bodies, such as boards of management or boards or directors, this research from almost quarter century ago shows that women were in a minority with only 12 per cent places in decision-making bodies in broadcasting sector and only 9 per cent in the press.<sup>80</sup> Furthermore, "of the 120 top management committees in radio and television,

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<sup>74</sup> Avropa Şurasının 2018-2023-cü illər üçün Gender Bərabərliyi Strategiyası, "Mediada qadınların obrazına dair"i tövsiyyə <https://rm.coe.int/coe-strategy-for-gender-equality-azerbaijani/16808c76aa>

<sup>75</sup> *Ibidem*.

<sup>76</sup> International Labour Organization, Women in business and management: Gaining momentum in Eastern Europe and Central Asia, Bureau for Employers' Activities, International Labour Office, March 2018

<sup>77</sup> Karen Ross, Women in decision-making structures in media,

<sup>78</sup> Gallagher Margaret, An Unfinished Story: Gender Patterns in Media Employment, UNESCO Publishing, 1995, p.47.

<sup>79</sup> *Ibidem*, p.52.

<sup>80</sup> *Ibidem*, p.52

more than half (67) include no women at all. In the press just under half (20) of the 45 equivalent committees have no women.”<sup>81</sup>

One of the studies conducted in 2011 by Carolyn M. Byerly, for the International Women’s Media Foundation (IWMF), also supported by UNESCO showed that “women represent only a third (33.3 per cent) of the full-time journalism workforce in the 522 companies [in 59 countries] surveyed.”<sup>82</sup> When looking at the management positions, the research showed that “73 per cent of the top management jobs are occupied by men compared to 27 per cent occupied by women.”<sup>83</sup> The study identified a “glass ceilings”<sup>84</sup> for women in 29 of 59 nations studied”<sup>85</sup>, mostly in middle and senior management levels.<sup>86</sup> However, when analysing occupational status across seven regions covered by the report, there were 72.7 percent of men at top-level management, in comparison to 27.3 per cent of women, 61.3 per cent of men at senior management with 38.7 per cent of women and 71.3 per cent of men on middle management level followed by 28.7 per cent of women.<sup>87</sup>

The Policy Report 2018 with the results from the research “Monitoring Media Pluralism in Europe 2017”, covering 28 EU countries and 3 candidates countries (Turkey, North Macedonia and Serbia) had found that one of the most prevalent sources of risk detected in the sector of media plurality was the “gender inequality in media management and content production.”<sup>88</sup> The research found that women were “underrepresented in both managerial roles and the content of the media in Europe.”<sup>89</sup> Furthermore, the indicator – access to the media for women – had the highest risk score in the social inclusiveness area.<sup>90</sup> After introducing more detailed questions in the MPM 2017 questionnaire, than in the previous years, the conclusion was that “the deeper one digs, the more inequality will be discovered.”<sup>91</sup> Out of 31 countries (28 European Union member states and three EU candidates countries - Serbia, Northern Macedonia and Turkey), only Sweden and Denmark scored a low risk on this indicator, while 15 scored the high risk. The rest of the countries showed medium risk.

Another aspect that the Mapping Digital Media (MPM) research looked at was the gender equality policy in public service media. Only 8 EU countries had introduced “the gender equality policy that covers both personnel issues and programming content”<sup>92</sup> and they were only partially implemented. When looking at the composition of public service media management boards, women are either not represented or their share was lower than 29 per cent.<sup>93</sup> The situation at the top management positions,

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<sup>81</sup> *Ibidem*, p. 52.

<sup>82</sup> Byerly, M. Carolyn, Global Report on the Status of Women in the News Media, International Women’s Media Foundation (IWMF), District Creative Printing INC, 2011., p. 6

<sup>83</sup> *Ibidem*, p.9

<sup>84</sup> Glass ceiling is a term primarily used to refer to invisible, but real barrier that women encounter in the workplace that prevent them from upward mobility, in the course of their careerers, when qualified women possess skills and experience for advancement (Byerly, M. Carolyn, Global Report on the Status of Women in the News Media, International Women’s Media Foundation (IWMF), District Creative Printing INC, 2011., p. 27)

<sup>85</sup> *Ibidem*,

<sup>86</sup> *Ibidem*.

<sup>87</sup> *Ibidem*, p. 23, Table G “Occupational status across 7 regions and levels of significance for findings”.

<sup>88</sup> Brogi, Elda, Nenadic, Iva, De Azevedo Cunha Mario, *Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia and Turkey: Policy Report 2018*, Robert Schuman Centre for Advance Studies, Florence, 2018., p.2

<sup>89</sup> *Ibidem*, p. 65.

<sup>90</sup> *Ibidem*.

<sup>91</sup> *Ibidem*.

<sup>92</sup> *Ibidem*, p. 66

<sup>93</sup> *Ibidem*.

such as Chair of Board or a Director,“ was that in 22 out of 31 countries these posts were occupied by men.”<sup>94</sup>

When it comes to private television stations, again less than a third of the management board members were women, while top executives in 16 countries are men. There were eight countries in which the structure of the managing board of private broadcasters was not available, which shows the high risk for transparency.<sup>95</sup>

The latest survey on general positions of women in business and management in Eastern Europe and Central Asia published by the International Labour Organization in March 2018<sup>96</sup> show that in these regions, “women represent a significant pool of talent, yet at present women remain underrepresented in business.”<sup>97</sup> When it comes to women holding a top managers position, this report show that “the largest share of enterprises that have women as top managers are Belarus (32.7 per cent), Georgia (32.0 per cent) and Latvia (31.5 per cent). By contrast, Azerbaijan has the lowest share of enterprises with a top female leader at 2.4 per cent, followed by Tajikistan (9.6 per cent) and the Czech Republic (11.6 per cent).”<sup>98</sup> It seems that women tend to be more likely managers in smaller than in large enterprises. However, Azerbaijan is at the low rate of women managers in 1.6 per cent of small enterprises, 3.8 per cent in medium-sized enterprises and „the lowest share of women in management [among large enterprises] at nearly zero per cent.”<sup>99</sup>

Council of Europe has put women in management and decision-making position in media as one of its top priorities in standard setting. Starting from 1984, it had invited media organizations to introduce positive action programme to include women “at decision-making levels and in technical services”<sup>100</sup>, as well as “in an equitable proportion in media supervisory and management bodies”<sup>101</sup> Further on, in 2003, the Recommendation on balanced participation of women and men in political and public decision making invites for “balanced participation in decision-making positions in the media, including management, programming, education, training, research and regulatory bodies,”<sup>102</sup> The Explanatory Memorandum of this document concluded, with the respect to women’s position in media, that „while the number of women journalists has significantly increased over the last ten years, they are still rather marginalised [...] and have little influence on media policy as such.”<sup>103,104</sup> Recommendation CM/Rec (2017) 9 of the CM on gender equality in the audiovisual sector invites for ensuring of “balanced participation of women and men in management posts, in bodies with an advisory, regulatory or internal supervisory role and generally in the decision-making process.”<sup>105</sup> One of the indicators of this document is monitoring of the organizational structure in the audiovisual

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<sup>94</sup> *Ibidem.*

<sup>95</sup> *Ibidem.*

<sup>96</sup> The next Research will be published on 22 May 2019.

<sup>97</sup> *Ibidem*, viii.

<sup>98</sup> *Ibidem*, p. 19.

<sup>99</sup> *Ibidem*. p.21.

<sup>100</sup> Recommendation Rec(84)17 on equality between women and men in the media, point 6

<sup>101</sup> *Ibidem*, point 9.

<sup>102</sup> Recommendation CM/Rec(2003)3 on balanced participation of women and men in political and public decision making, paragraph 39,

<sup>103</sup> Page 45

<sup>104</sup> Surculija Milojevic, Jelena, The Review of the updated Code of Ethics for Azerbaijani journalists from a gender equality perspective, Council of Europe Office in the Republic of Azerbaijan, July 2018p.4

<sup>105</sup> Recommendation CM/Rec (2017) 9 of the CM on gender equality in the audiovisual sector

sector that includes decision makers by gender: board membership, other decision-making positions, other levels of the industry.<sup>106</sup>

Although the equal participation of women and men in both decision-making and management levels in media sphere was encouraged from first international documents, at the end of first decade of twenty-first century the equality is still not achieved. Nevertheless, there are several positive moments for further advancement of women's participation in the top-level management and decision making: gender equality has finally been put very high on the agenda of most of the international organizations, as standard setting bodies. European Commission has reaffirmed that "promoting equality between women and men in decision making" stays as it priority and key action for 2016-2019.<sup>107</sup> The Commission itself has set a target to reach the 40 per cent of women in senior and middle management positions in the Commission by the end of its mandate.<sup>108</sup> The Council of Europe agrees that "the full participation of women in public and political life requires fundamental changes to remove both societal and structural barriers."<sup>109</sup> One of the indicators that would be used to measure progress of Council of Europe member states would be "the percentage of women and men members of employer, labour and professional organizations and the percentage of women and men in their decision-making bodies at national level".<sup>110</sup>

In economic decision-making, the proportion of women is lower than that of men at all levels of management and decision-making. Women represent only one in ten board members of the largest publicly listed companies in the EU and 3 per cent among the presidents of the board. Research shows that gender diversity pays off and that there was a positive correlation between women in leadership positions and business performance.<sup>111</sup>

## **Gender equality problem in media management in Azerbaijan**

Monitoring organizations report that in most countries women are represented by a large number of media outlets, not lagging behind men. However, in spite of it, men dominate top positions in decision-making, governance, and foundering processes, but women lag behind them. According to IJF estimates, 73 percent of media owners and managers are men, and 27 percent are women globally<sup>112</sup>. IJF is concerned that if they continue at the current rate of progress it will take another 75 years to achieve gender equality in media.

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<sup>106</sup> *Ibidem*.

<sup>107</sup> Strategic Engagement for Gender Equality 2016-2019, Publication office of the European Union, Luxembourg, 2016, p.9

<sup>108</sup> *Ibidem*, p. 27

<sup>109</sup> Achieving balanced participation of women and men in political and public decision-making: a gender equality and democratic requirement, Council of Europe, Gender Equality Strategy.

<sup>110</sup> *Ibidem*.

<sup>111</sup> Strategy for equality between women and men 2010-2015, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels, 21.9.2010 COM(2010) 491 final, p.8

<sup>112</sup> IFJ Gender Booklet: Getting the Balance Right <https://www.ifj.org/media-centre/news/detail/category/publications/article/ifj-gender-booklet-getting-the-balance-right-english-french-spanish-croatian-versions.html>

Similar situation is typical for Azerbaijani media, as well. The Trade Union of Journalists of Azerbaijan has performed an extensive survey of the working conditions of journalists in the country.<sup>113</sup>

The survey of the media outlets that operate systematically and continuously with the influence on the public opinion with the disseminated materials, and which are ethically compliant, has divulged interesting information by learning the work environment, labour relations, income, intensive issues faced by Azerbaijani journalists, as well as sexual belonging of media workers, the status of gender equality in management<sup>114</sup>.

It was determined that the number of women journalists in the Azerbaijani media is expressed with big numbers. According to the survey findings:

- approximately 40-45 percent of the national, print and online media workers;
- approximately 30-35 percent of regional TV channels, print and online media workers are women.<sup>115</sup>

These statistics are comparable to the world's developed and advanced countries. But additionally, the Azerbaijani media was unable to overcome the problems of other countries in terms of gender equality. Thus, the representation of women within senior positions of media outlets is higher, but in the decision-making bodies, their management positions as well as in the management of journalist's unions is relatively low. According to the JuHI's report, only 15 percent of Azerbaijan's leading media are women. Or, the head of only one in 15 leading journalist organizations in the country is a woman.<sup>116</sup> This result shows that women in media hold more management positions than average women in other large, media or small business enterprises in Azerbaijan,<sup>117</sup>.

IJF emphasizes that today women are more apt to be journalists, but they are out of the desire and ability to take up leadership positions in this field. There was a significant increase in the number of women journalists over the past few decades, but they are still unsatisfactory in media entrepreneurship, and have little impact on the media policy.<sup>118</sup>

Another violated aspect of gender equality in the media **is related to the news objects of women journalists**. Supposedly, news topics were divided into two groups: "women and men topics". "Soft topics" (culture, art, family-domestic issues, social status and etc.) are designated to female journalists, and "intensive topics" (political, criminal, international topics and etc.) to male journalists that result in an additional type of gender-based discrimination it is manifested. There are specific problems that affect the representation of women in the media outlets, decision-making bodies, as well as in the selection of topics. It is necessary to eliminate these problems to change the existing situation. The analysis and the responses of the surveyed people show that gender equality infringement in the media management and subject selection has no link with the legislation. On the contrary, the legislation opens up wide opportunities for women to be represented with men in these areas equally. The main reason for the problem is the misleading stereotypes about women in society.<sup>119</sup>

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<sup>113</sup> Azerbaijan Journalist's Trade Union (JuHI): "Gender Issue in the Azerbaijani media" <http://juhi.az/yeni.pdf>

<sup>114</sup> Azerbaijan Journalist's Trade Union (JuHI): "Azerbaijan Journalist's Trade Union" <http://juhi.az/yeni.pdf>

<sup>115</sup> *Ibidem*.

<sup>116</sup> *Ibidem*.

<sup>117</sup> In accordance with the 2018 International Labour Organization survey on general positions of women in business and management in Easter Europe and Central Asia shows *Supra note 101*.

<sup>118</sup> IFJ Gender Booklet: Getting the Balance Right <https://www.ifj.org/media-centre/news/detail/category/publications/article/ifj-gender-booklet-getting-the-balance-right-english-french-spanish-croatian-versions.html>

<sup>119</sup> *Ibidem*.



One of such stereotypes for female journalists is the "family or career" dilemma. The misuse of this misleading dilemma would finally result in a violation of gender equality in media management.

The Labour Code provides for higher privileges for working people who are married. It is possible to get rid of the "career or family" dilemma by taking advantage of these privileges properly.

Establishing modern principles over different media areas – developing social media, internet media, television, newspaper, radio news policies - it can play an important role in the destruction of these stereotypes. The requirements of national legislation and international standards on gender equality can be communicated more extensively through the media. Concurrently, it can be given as the best example for other areas of society by ensuring gender equality in media management.

Paragraph 4.5 of the 4<sup>th</sup> Principle of the revised version of the Code of Professional Ethics for Journalists of Azerbaijan in 2018<sup>120</sup> (PRINCIPLE 4: Protection of the principle of gender equality and non-discrimination) states that "Journalist shall not be subjected to gender discrimination, and male and female journalists shall be provided with equal rights",

### **The issue of "gender equality" in the media functioning**

Recommendation CM/Rec(2011)7 of the Committee of Ministers to member states on a new notion of media calls "Media content creators, editors and distributors to adhere to relevant professional standards, including those designed to combat discrimination and stereotypes and to promote gender equality."

The importance of media independence has been reflected in all documents. Additionally, media workers, journalists, and other news producers should know that they are responsible to deliver impartial, non-stereotypical representation of the image of women and men. The Committee of Ministers of the Council of Europe suggests to the media to respect it as a principle of human rights and calls on media professionals and the public at large to take measures towards the non-stereotypical image of women and men.<sup>121</sup>

As already noted, paragraph 7 of the Declaration of Principles on the Conduct of Journalists, developed by the International Federation of Journalists, shows that "gender based discrimination is inadmissible."<sup>122</sup> This principle is reiterated in the codes of ethics which have been developed for news producers in the democratic countries worldwide. Nevertheless, serious problems are seen in the materials disseminated over the media. In order to attract the audience to create sensation media workers cause to distortions by leading to the violation of gender equality (for the sake of ranking). Their presentations contain discrimination. Such cases, along with the violation of the equal treatment principle also lead to inaccurate information transfer to readers. Similar situations are particularly common during the presentation of criminal cases. Observations show<sup>123</sup> that even professional media outlets of the country admit to gender discrimination without direct contact with a subject matter of the news, and the gender of a subject is promoted, distinguished without relating to the essence of the

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<sup>120</sup> Code of Professional Ethics for Journalists of Azerbaijan <https://rm.coe.int/azerbaycan-etik-kodeks-yenilenmis-gender/16808eb4fe>

<sup>121</sup> Avropa Şurasının 2018-2023-cü illər üçün Gender Bərabərliyi Strategiyası, "Mediada qadınların obrazına dair"ı tövsiyyə <https://rm.coe.int/coe-strategy-for-gender-equality-azerbaijani/16808c76aa>

<sup>122</sup> "IFJ Declaration of Principles on the Conduct of Journalists", <http://www.ifj.org/about-ifj/ifj-code-of-principles>

<sup>123</sup> IFJ Gender Booklet: Getting the Balance Right <https://www.ifj.org/media-centre/news/detail/category/publications/article/ifj-gender-booklet-getting-the-balance-right-english-french-spanish-croatian-versions.html>

news, and sexual belonging is introduced on the headlines and captions. The media uses expressions such as "female driver", "female thief", "and fraudulent woman" and so on, without explaining the essence of an event during presentation of the news stories, and emphasize sexual belonging of perpetrators and victims, and especially give preference to distinguish women. In the news stories of similar events, when the subject matter of the event is male, this distinction cannot be seen - then the gender is neither promoted nor carried onto the headlines. The first function of the media is to give news and describe the essence and cause of an event. It is inadmissible to emphasize sexual belonging of women in the news headlines of an accident or event.

As we do not say "male driver", "male doctor", "fraudulent man", and so on, it is important to avoid the expressions, such as "female driver" and "female doctor". Currently, the "Code of Professional Ethics for Journalists" (Code of Ethics) is revised to contribute to gender equality in order to eliminate similar mistakes made in the news production. The revised versions of the code of professional ethics are evaluated in terms of compliance with the standards of the Council of Europe in the area of gender equality and media freedom. Although gender equality is relatively new in the field of media, the Council of Europe has adopted numerous documents, made recommendations and proposals on this issue. The Code of Professional Ethics for Journalists has been topical in the context of gender equality among them. In May 2018, in accordance with the process initiated by the Council of Europe Office in Baku, the Code of Professional Ethics for Journalists (CPEJ) was revised from a gender equality perspective. The revised version was developed by the working group launched under the project "Gender Equality and Media in Azerbaijan" by the Council of Europe. On 1 November 2018 the Board of the Azerbaijan Press Council adopted the revised version of the CPEJ in the gender equality perspective as the basis in its meeting. The revised Code of Professional Ethics for Journalists with the provisions on gender equality and gender non-discrimination provides clear guidelines to news producers. Principle 4 of the revised CPEC (Principle 4: Protection of the principle of gender equality and non-discrimination) reads:

“- 4.1. Journalists shall respect the principle of gender equality and non-discrimination, avoid language creating sexual discrimination or inciting sexist hatred, should not use sexist phrases; they should not emphasize sexual belonging of a person, if the content of news does not directly require it.  
- 4.2. Journalists should not propagate gender stereotyping, they shall be described free of gender stereotypes image of men and women in the media.

4.3. Journalists shall be sensitive to media coverage of gender-based violence cases; they should not promote gender-based violence and shall raise awareness on its negative effects in society.”<sup>124</sup>

Another problem emerging in the gender equality in the media is the mistakes made in advertising in the media. Advertising is a broad source of gender stereotype as ads have been adapted to male or female targets.

Women are introduced more frequently in the ads than men as they are "responsible for making daily purchases".

Men mostly promote cars, cigarettes, business products or investments, but women promote cosmetics and household goods. Women are displayed at home, while men outdoors (outside home). Truly, the solution of this problem seems to be ads. Women are displayed in an elegant and sexualized state: "they talk less than men; they think less."<sup>125</sup> They play fewer roles than men in the entertainment industry as leaders or professionals or money-makers. The phenomenon of "face-ism" - women are shown on the advertising full-body, and men are drawn away. It is not acceptable to disseminate gender-based advertisements, hate speech and gender-based violence that can lead to gender-based discrimination.

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<sup>124</sup> Principle 4, Protection of the principle of gender equality and non-discrimination, Code of Professional Ethics for Journalists with the provisions on gender equality and gender non-discrimination

<sup>125</sup> IFJ Gender Booklet: Getting the Balance Right <https://www.ifj.org/media-centre/news/detail/category/publications/article/ifj-gender-booklet-getting-the-balance-right-english-french-spanish-croatian-versions.html>

The recommendation of the Council of Europe states that "protecting women's dignity and the formation of a positive image and formation of a real relationship between women and men shall be taken as the basis in the public-funded advertising campaigns. Any form of exploitation of the body of men and women in the ads is unacceptable."<sup>126</sup>

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<sup>126</sup> *Ibidem.*

## CONCLUSION

The researches shows that after several decades of regulation of gender equality, the real equality between men and women is not achieved, yet. It also applies to women in the media, either as full time employees or, very rarely, top managers in the media outlets or members of managing bodies.

There are several steps the country could take, with support of the Council of Europe, in order to change this pattern:

First, to review all of the laws that at this moment regulate gender equality and their alignment with Council of Europe and other international standards.

Second, where the legislation is not harmonized with international standards, to amend it.

Third, to monitor the implementation of international standards and national legislation relevant to gender equality in general and in the media.

Finally, to conduct the research in order to measure the actual (non)existence of gender equality in both public service and private media.

## GUIDE FOR NEWS PRODUCERS IN AZERBAIJAN

Mass Media is one of the most significant elements for promoting gender equality in the society. With this in mind, international organizations have adopted a number of documents which would regulate the media's approach to gender equality. Article 7 of the "IFJ Declaration of Principles on the Conduct of Journalists"<sup>127</sup>, developed by the International Federation of Journalists and replicated in the codes of media ethics globally in the democratic world, suggests that "gender based discrimination is inadmissible."<sup>128</sup> Journalists should avoid gender discrimination.

At the beginning of 21<sup>st</sup> century the Council of Europe has set gender equality in media as one of its priorities. In the latest Gender Equality Strategy 2018 – 2023<sup>129</sup>, media are named as „natural partners in the implementation of the Gender Equality Strategy“<sup>130</sup>, together with Parliaments, Governments and various other bodies.<sup>131</sup>

Gender equality problems in the field of media are mainly classified in two ways:

1) Gender equality problem in the row of media entrepreneurship, media management and media workers. That is, the violation of gender equality in the founding, managing and decision-making bodies of mass media outlets and journalist organizations.

2) Problems related to the media functioning. That is, not to allow gender discrimination in the news delivery, immortalize the stereotypes.

There is also a third category that always try to solve both issues –a policy level – that functions either through legislation or bylaws, internal rules and regulation, Code of ethics.

Therefore, the Guide for News Producers in Azerbaijan is divided in three categories: Internal (in-house) procedures in media; Media production and editorial guidelines and regulatory and self-regulatory framework. Every category contains recommendations that are based on the international standards and Azerbaijani regulatory framework.

### **I INTERNAL (In-house) PROCEDURES FOR MEDIA ORGANIZATIONS (Personnel issues)**

Media organizations shall adopt positive action programmes to improve the situation of women, especially at a decision-making and in technical services level.<sup>132</sup>

Women and men shall be treated equally, at all times, during the recruitment, training, remuneration, promotion and any other conditions of employment of persons employed in the media”<sup>133</sup>

Media shall encourage the presence of women in an equitable proportion, in media supervisory and management bodies.<sup>134</sup>

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<sup>127</sup>“IFJ Declaration of Principles on the Conduct of Journalists” <http://www.ifj.org/about-ifj/ifj-code-of-principles/>

<sup>128</sup> “IFJ Declaration of Principles on the Conduct of Journalists”, <http://www.ifj.org/about-ifj/ifj-code-of-principles>

<sup>129</sup> Gender Equality Strategy 2018 – 2023, adopted in May 2018.

<sup>130</sup> *Ibidem*, page 40.

<sup>131</sup> *Ibidem*.

<sup>132</sup> Recommendation Rec(84)17 on equality between women and men in the media, point 6

<sup>133</sup> Recommendation Rec(84)17 on equality between women and men in the media, point 6

There shall be a balanced participation of women and men in decision-making positions in the media, including management, programming, education, training, research and regulatory bodies;<sup>135</sup>

Women shall be involved in the creation, editorial and distribution processes in media. <sup>136</sup>

The equal participation of women and men in media decision making positions and in content, and the establishment of databases of women experts on all subjects shall be encouraged. <sup>137</sup>.

## **II MEDIA PRODUCTION AND EDITORIAL GUIDELINES (Content Programming)**

The wider participation by women in talks and discussions broadcast by the media shall be encouraged.<sup>138</sup>

The dignity of women shall be safeguarded as well as a positive image of them in publicity campaigns sponsored by public authorities.<sup>139</sup>

The partnership relationship between women and men, based on factual reality, shall be reflected without any sexual stereotyping.<sup>140</sup>

Any exploitation of the bodies of women and men to draw attention to goods or services shall be forbidden.<sup>141</sup>

Meetings and seminars on problems of equality between women and men shall be organized nationwide and shall be extensively covered by the media for the general public.<sup>142</sup>

Media shall use non-sexist language in its programmes, especially when taking account of the presence, status and role of women in society, as current linguistic practice does for men.<sup>143</sup>

Public service media shall pay special attention to gender equality issues.<sup>144</sup>

“Media content creators, editors and distributor shall adhere to relevant professional standards, including those designed to combat discrimination and stereotypes and to promote gender equality.”<sup>145</sup>

The promotion of positive images of women as active participants in social, economic and political life, and of positive images of men in non-traditional roles such as carers shall be encouraged, together with providing of incentives or rewards for good practice, for instance through public funding.<sup>146</sup>

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<sup>134</sup> See in more details: Recommendation Rec(84)17 on equality between women and men in the media, point 9

<sup>135</sup> Recommendation CM/Rec(2003)3 on balanced participation of women and men in political and public decision making, paragraph 39,

<sup>136</sup> Recommendation CM/Rec(2011)7 on a new notion of media, Para 86 .

<sup>137</sup> Recommendation CM/Rec(2019)1 on preventing and Combating Sexism, adopted by the Committee of Ministers of the Council of Europe on 27 March 2019, p.21-22

<sup>138</sup> Recommendation Rec(84)17 on equality between women and men in the media, point 10

<sup>139</sup> Recommendation Rec(84)17 on equality between women and men in the media, point 11

<sup>140</sup> *Ibidem*, Point 11

<sup>141</sup> *Ibidem*, Point 11

<sup>142</sup> *Ibidem*, Point 12.

<sup>143</sup> Recommendation Rec(90)4 on the elimination of sexism from language, p. 2

<sup>144</sup> Recommendation CM/Rec(2007) on media pluralism and diversity of media content, Point 3.2. and Recommendation CM/Rec(2007)3 on the remit of public service media in the information society, Chapter II, Para b, point 8.

<sup>145</sup> Recommendation CM/Rec(2011)7 on a new notion of media, Para 86.

<sup>146</sup> Recommendation CM/Rec(2019)1 on preventing and Combating Sexism, adopted by the Committee of Ministers of the Council of Europe on 27 March 2019, p.21-22

Regular monitoring of availability of content by gender or the key content creators should be performed, in particular the broadcasting scheduling and the prominence on on-demand platforms.<sup>147</sup>

### **III REGULATORY AND SELF-REGULATORY FRAMEWORK FOR MEDIA, JOURNALISTS AND NEWS PRODUCERS**

The following principles related to equal treatment between women and men should be applied into internal rules of media organizations, journalists association and other regulatory and self-regulatory bodies:

Women and men should have equal treatment in the course of recruitment, training, remuneration, promotion and any other conditions of employment of persons employed in the media<sup>148</sup>

Every text produced by the media shall be in line with the principle of sex equality.<sup>149</sup>

Self-regulatory measures, guidelines, codes of conduct or other forms of regulations within media organisations that include the matter of sex-based discrimination/gender equality, promote the use of non-sexist language and the presentation of non-stereotyped images and exclude the use of violent or degrading materials shall be adopted and implemented, to the extent consistent with freedom of expression<sup>150</sup>

Media organizations shall, together with other regulatory authorities, create internal regulatory framework with the aim to condemn and combat sexist imagery, language and practices by setting clear standards and consequences for the industry, and provide progress monitoring.<sup>151</sup>

Internal codes of ethics and conduct, including procedures for complaint, shall be widely known to the public and easy to access.<sup>152</sup>

The legislative reform that condemns sexism and that defines and criminalises sexist hate speech should be introduced.<sup>153</sup>

The legislative measures that define and criminalise incidents of sexist hate speech and are applicable to all media, as well as reporting procedures and appropriate sanctions shall be adopted, with more proactive detecting and reporting procedures for sexist hate speech in respect of all media, including the internet and new media.<sup>154</sup>

The legislation banning sexism in media and advertising shall be introduced, together with the monitoring and enforcement mechanisms of such measures.<sup>155</sup>

The expressions of sexism shall be included in defamation laws.<sup>156</sup>

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<sup>147</sup> Recommendation CM/Rec (2017) 9 of the CM on gender equality in the audiovisual sector

<sup>148</sup> Recommendation Rec(84)17 on equality between women and men in the media, point 6

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<sup>150</sup> Recommendation CM/Rec(2007)17 on gender equality standards *Ibidem*, Para 48, point iii.

<sup>151</sup> The Report from the conference „Media and the Image of Women“, held in Amsterdam on 4-5 July 2013; Gender Equality Commission GEC), Council of Europe; Strasbourg, 18 November 2013; p.48

<sup>152</sup> See more: *Ibidem*.

<sup>153</sup> *Ibidem*, p.

<sup>154</sup> *Ibidem*, p..19

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