

# Gender Equality in Media Legislation. Cases of Spain and Poland

**Dagmara Głuszek-Szafraniec**

University of Silesia in Katowice

dagmara.gluszek-szafraniec@us.edu.pl

ORCID: 0000-0002-9411-197X

**Katarzyna Brzoza**

University of Silesia in Katowice

katarzyna.brzoza@us.edu.pl

ORCID: 0000-0002-5262-5745

## ABSTRACT

Gender equality is a topic that is often discussed in a public debate in recent years, both in Poland and in Spain. **Scientific objective:** The aim of the deliberations was to show, whether the rules applicable in selected countries are convergent or different in the context of *gender mainstreaming*. In addition, the question was sought about the form in which gender equality standards function in the media in both countries, i.e. whether they are standards set by journalists themselves or whether it is an element of state policy. **Research methods:** Authors present results of a comparative analysis of gender equality regulations in the media legislation of Spain and Poland. **Results and conclusions:** The analyses allowed to obtain answers to the research questions posed and showed that in the context of preserving the principles of gender equality in the media, Polish legislator can draw good examples from precise Spanish regulations. In Poland, equality standards appear mainly in good practice manuals, while in Spain there are rules adopted in the legislative mode. **Cognitive value:** The considerations are innovative, but due to the changes and the growing sensitivity in the application of the *gender mainstreaming* principles, constant monitoring and comparative analyses in this area seem to be fully justified.

## KEYWORDS

discrimination, gender, media, Poland, Spain



The issue of gender equality in the media sector is an important topic of discussions undertaken by the European Parliament, in particular by the FEMM Committee (Women's Rights and Gender Equality) and an important issue that still requires monitoring and new legal regulations. There are formal documents guaranteeing equal rights in the media sector, but according to reports - much depends on the internal policy of companies and activities undertaken by women themselves in cooperation with journalists' associations or organisations such as the European Women's Lobby or the European Federation of Journalism.

The Resolution of the European Parliament of 17 April 2018 on gender equality in the media sector in the EU (2017/2210 (INI)) highlights the importance of equality policies, but also highlights the role of the media as a fourth power that is not without influence on creating an equality policy. In 2015, women accounted for 68% of graduates of journalism and information studies in the EU (*Review of the Implementation of the Beijing Platform for Action in the EU Member States...*, 2013, p. 17), and data on employment in the media sector in 2008–2014 show that the average percentage of women in the media remains at around 40%. In addition, in 2015, women occupied 32% of spots in decision-making positions in the media, and only 22% of CEOs were women. The data show that in general, in selected media organisations from Member States at all levels of management, women make up about one third (30%) of senior employees in decision-making positions. However, when this number is divided into more detailed elements, it can be seen that at the highest strategic level (managing director), women constitute only 16%. (*Review of the Implementation of the Beijing Platform for Action in the EU Member States...*, 2013, p. 26).

Journalistic standards and patterns of media culture are on the one hand the effect of systemic transformation and democratization, on the other – the result of assimilated ethical codes and industry standards of journalistic organisations with an international coverage. From this perspective, the issue of gender equality, considered with regard to ethical principles in the area of communication in Spain and Poland, seems interesting. In this context, it is worth looking at the factors that determine the specificity of contemporary Spanish and Polish media. After Hardy (2012, pp. 198–199), the authors stress that media culture is created by various dimensions (economic, social, political, legal, historical and cultural) of media markets and institutional structures that determine both the content of the media and the ways of managing them.

In the typology of media systems, Brüggeman, Engesser, Büchel, Humprecht and Castro (2014) ranked the Spanish case in the southern model, which, according to the authors, is distinguished primarily by the relatively high level of media marketization and less state intervention in their activities than assumed in typology of Hallin and Mancini (2004) criticised by many. Interference is rather reduced to creating a legal framework for the media market than directly influencing and pressing public or private media (Brüggeman, Engesser, Büchel, Humprecht, & Castro, 2014, p. 1057). On the other hand, the professionalization of journalists is low. This means that the standards of action that journalists should absorb in reporting the events will also be the result of certain legal requirements imposed on them by the legislators, and not solely based on industry codes and self-regulation. Hallin and Mancini (2011, p. 211) finally decided that the condition of the media in a given system is influenced by many factors (apart from the basic four variables previously indicated in the typology), so any comparative research should also include elements that interdependently affect the media market (including content produced by the media).

The case of Poland was not taken into account in the typologies concerning Western democracies, but it was described as a liberal-hybrid model, characterised by higher media commercialization in 2010–2015, but with periods of strong politicization (2005–2010). State intervention does not seem to be as deep as in the model of politicized media of other countries

of Central and Eastern Europe (Dobek-Ostrowska, 2015, pp. 36-37), which makes the model of the media system in Poland closer to Western European models. The case of Spain as a reference point was chosen due to similar conditions: political transformation leading to democracy; clear ideological lines presented by the media; the intervention nature of state policy and the dominance of the patriarchal pattern of social relations. These determinants justify the selection of a comparison between the two countries.

The phenomena of violence against women, specific language and contexts presented by the media were the subject of analyses by Spanish researchers. The need to apply ethical principles in media coverage of this type of events was noticed (Loscertales Abril, Fernández Jiménez, & Higazi Rodríguez, 2009, p. 132). The image of women in the Internet media, their social role and gender stereotyping, which led to the traditional perception of women in society (Núñez Puente & Sánchez Hernández, 2005) also raised interest. Also the journalistic environment in Spain has been thoroughly researched for gender equality. Therefore, an attempt was made to find the answer, what socio-demographic factors may affect the inequalities of male and female journalists in Spain and what are the general characteristics of these inequalities.

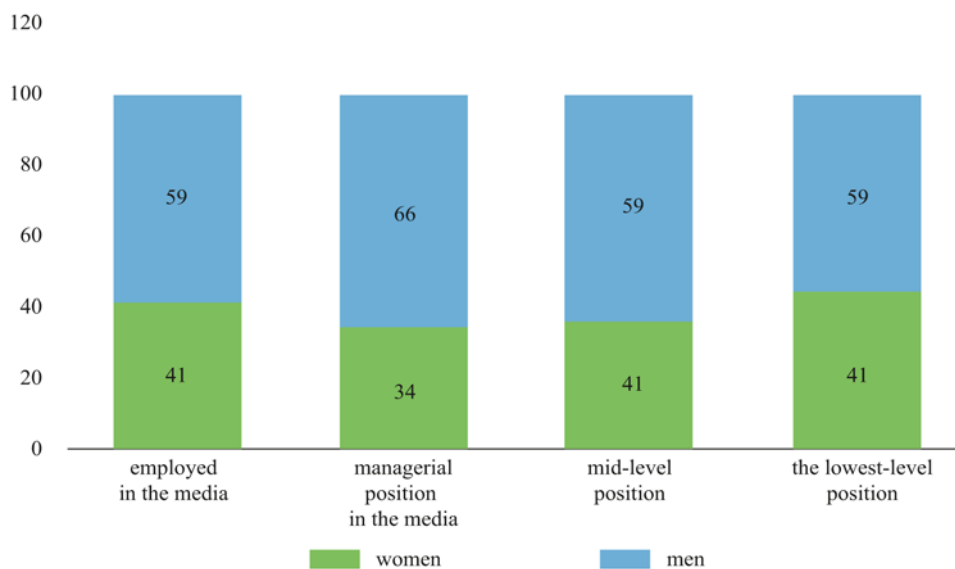


Chart 1. Hierarchy of employment in the Spanish media (in percent)

Source: own study based on De-Miguel, Hanitzsch, Parratt, & Berganza (2017). *Mujeres periodistas en España. Análisis de las características sociodemográficas y la brecha de género. El profesional de la información*, 26(3), p. 502

The research shows, among others, that women occupy significantly fewer managerial positions in the Spanish media or earn less than male journalists (De-Miguel, Hanitzsch, Parratt, & Berganza, 2017, pp. 497–506). In Poland, the percentage of women in the group of people on boards is 29.5%, and in the top management with the right to manage women account for 25%. Most women can be seen in the positions of younger professionals (58.8%) and in sales support, finance and administration support groups (65.8%) (Byerly, 2011, pp. 289–354). Women's salaries are 17% lower than men's salaries. Women are still struggling with the glass ceiling in the media,

where they do not have the same opportunities for promotion or professional development, including because of the procedures or rarer decision-making possibilities. In addition, the available data shows that women employed in Polish and Spanish media companies most often work part-time, but this is a job based on an employment agreement. Women employed in the Polish media three times less often than women working for the Spanish media are employed under contract.

Table 1. Form of employment of women in media companies (data in %)

Employment time	Poland	Spain
Full-time, employment agreement	40.9	36.2
Half-time, employment agreement	64.6	87.6
Full-time, contract	46.9	48.2
Half-time, contract	42.9	44.3
Contract of mandate	16	49.7
Other	0	39.2

Source: own study based on Byerly (2011). *Global Report on the Status of Women in the News Media*. International Women's Media Foundation, pp. 291–365

The results of media research in Poland also confirm the presence of gender stereotypes in media messages, in particular in advertising materials (Korczyk, 2011). In addition, many studies are undertaken combining media coverage and gender equality issues, including analysis of how a woman is portrayed in the Polish media (Wiśniewska, 2014). On the basis of Polish media studies, we can indicate examples of analysis of media messages concerning the socio-cultural gender (Duda, 2016), the manner of presenting various threads related to gender equality in the Polish media (Frątczak, 2015), or media reports referring to feminism (Kłusek, 2017). The issue of the media image of women involved in political life (Brzoza, 2017; Białek-Szwed, 2016) is also popular in the environment of researchers representing various scientific disciplines.

On the other hand, studies of the environment of Polish journalists through the prism of equality regulations are practically non-existent. Bajka (1991) conducted research of journalists in the years 1981–1990 and in 2000, but these are rather reports showing the changes taking place in this professional group and an attempt to present the professional condition of Polish creators of media messages. Similar tendencies can be seen in the analyses of Ossowski and Stępińska (2011), where the gender category appears, but as one of the demographic and social variables that characterise the structure of this professional group. Paluch (2016), based on the results of surveys, wondered about the role of gender and its influence on the profession of a journalist in Poland, Sweden and Russia. A look at equality policy through the prism of legal regulations, obligatory for the Polish journalists' environment, allows to distinguish two basic paths of considerations: a) the principle of *gender mainstreaming* in the journalistic environment; b) *gender mainstreaming* and media message (Frątczak, 2014, p. 12).

The aim of the article will be to analyse one dimension that influences the emerging media culture, i.e. legal regulations regarding the functioning and activities of the media in Spain and in Poland in the context of gender equality and establishing ethical principles in communicating about women. The authors, using a descriptive approach, raise questions about whether the gender equality problem is an element of a wider media policy in both countries and in what form regulations on the equal treatment of sex in the media are introduced.

## Spanish national law on audiovisual media regarding the problem of gender equality

The issue of gender equality was taken up in Spanish legislation in 2007, which resulted in a comprehensive law relating to the situation of women in various spheres of social, political, economic, professional and cultural life (*Ley Orgánica* 3/2007, BOE, núm. 71). It included issues concerning direct and indirect discrimination, as well as shaping and disseminating the image of women and men that is incompatible with the principles of gender equality.

Legal regulations from 2007 in part III in their entirety refer to media from various sectors, regardless of their ownership status. Public media are required to promote knowledge about equality between women and men, a pluralistic and non-stereotypical image of them (art. 36). RTVE (Radiotelevisión Española) is therefore to present women in various spheres of social life, use non-sexist language, cooperate with social organisations to promote gender equality and prevent violence, and adopt codes of ethics that will introduce common principles in communicating on equality of women and men. In addition, RTVE should promote women to management positions on both public radio and television. The EFE press agency was also required to adopt identical regulations (art. 38). Interestingly, the Spanish legislator also referred to the activities of private media in which respect for gender equality and the elimination of any form of discrimination in the offer (including advertising) should become the subject of self-regulation (art. 39). The implementation of all rules is to be supervised by the appropriate bodies controlling audiovisual media in Spain. Nevertheless, this issue, unfortunately, still remains without a proper solution. Despite the attempts to set up audit bodies in the form of the Audiovisual Council at the central level, these activities have not been formalised. There are, however, Audiovisual Councils in autonomous regions: Andalusia, Catalonia and Valencia. Similar bodies were established in Navarra and the Balearic Islands. In addition, any advertising activities, including those of public administration, is considered illegal if there are forms of discrimination against any of the sexes.

The new law on audiovisual media, introduced in Spain in 2010, aimed at a deep structural reform of the public broadcaster, often criticised for political engagement, instrumental coverage of events and lack of reliability and commercial character of the offer (Kuś, 2013, p. 77–81). The law on audiovisual communication primarily introduced a new method of financing public radio and television, and put emphasis on mission programs, the number of which was insufficient in the framework of Spanish television (Bustamante, 2013, pp. 245–255). Some of the 2010 regulations also included provisions on the presentation of women and men as well as gender equality and the prevention of discrimination. They were derived from the 2007 Act on effective equality between women and men (*Ley Orgánica* 3/2007, BOE, núm. 71).

The Act on audiovisual communication (art. 4.2), says that: “Audiovisual communication can never incite hatred or discrimination on the basis of gender or any personal or social circumstances and it must respect human dignity and constitutional values, with special regard to the elimination of behaviours conducive to situations of women’s inequality”. (*Ley* 7/2010, BOE núm. 79). RTVE should not, in any way, encourage activities that could cause gender inequality. Promotional activity is subject to special restrictions, as it often uses stereotypical images of representatives of various social groups. Thus, the Spanish legislator prohibited publishing and issuing such advertisements that would use means of expression discriminating people on the basis of gender, race, origin, nationality, religion, etc. Moreover, advertising is prohibited in which the image of women is humiliating and discriminating against this social group. Such activity of audiovisual media was considered a very serious infringement (art. 57.2). However, the Act itself does not regulate the rules concerning the functioning of the journalists’ environment and, for example,

guaranteeing equal employment opportunities in the media for women and men, or performing various functions in the decision-making bodies of public media in Spain. Spanish media legislation focuses primarily on content, although structural problems, including e.g. the practice of hiring (or not hiring) women or entrusting them with decision-making positions, also appear in relation to public media.

### **Gender equality in the media legislation of the autonomous regions of Spain**

The specificity of Spain is that at the regional level there are also specific legal solutions concerning the prevention of discrimination in communication. Although it seems that the Act on Audiovisual Media is the main framework for the activities of regional media, it turns out that some regions, despite the existence of national laws, develop or further specify the provisions of the Act, both in the context of the content and language presented, as well as the media management model public in the regions, including gender parities in individual media bodies. To a large extent, these types of activities can be observed in such autonomous communities that put greater emphasis on the development of the regional media system in the audiovisual media sector. At this point, it should be noted that at the level of autonomous regions, there are separate public media financed by autonomous governments and, to a large extent, managed by them or by other bodies appointed for this purpose. Public autonomous broadcasters are not included in the structure of the nationwide public broadcaster RTVE, as is the case, for example, in Poland.

In this context, Andalusia stands out, whose independent media policy leads to the dynamic development of public media and relatively high viewership of their offer. The parliament of Andalusia approved in 2007 its own law on public media, which stressed that the participation of women in the bodies managing public media in the region should also be taken into account (*Ley 18/2007*, BOJA núm. 252). The activities of RTVA (Radio and Televisión de Andalucía) should be based on the promotion of equality between women and men, which is reflected in the HR policy taking into account the appropriate gender proportions in the RTVA management council and in the advisory council, an organ of social organisations participating in the public media management system. Moreover, the parity of individual genders was set at a minimum level of 40%, but not exceeding 60% of the composition of management bodies. In addition, the Audiovisual Council of Andalusia considers complaints from the public regarding unequal treatment of genders in the Andalusian media (“Balance de quejas recibidas”, n.d., acc. 1).

Similar solutions regarding the balance of representatives of both genders in the council managing public media were adopted in Aragon. The advisory council offered places for three members representing the Institutes for Women, Youth and Employment. The Aragonese Law also recommends the use of appropriate grammatical forms, adequate for both genders when describing objects, functions or positions (*Ley 4/2016*, BOA núm. 101). In turn, the media laws of Asturias and Extremadura, as well as Murcia, only mention the need to respect the principle of gender equality. In contrast, the media in Galicia are even obliged to actively promote equal treatment and equal opportunities for women and men, respect for diversity and the use of non-sexist language (*Ley 9/11*, DOG núm. 239). RTVG (Radio e Televisión de Galicia) staff should be recruited with respect to the principle of equality. The Catalan act is similar to the Galician one, and also emphasises the need for active promotion of equality between women and men (*Ley 22/2005*, BOE núm. 38). In Cantabria, Castile and Leon and in La Rioja, such regulations do not appear due to the fact that there is no separate public autonomous broadcaster at the regional level. It is similar in Navarra, but there one can receive public Basque TV. This is more

significant as the Basque Country and northern Navarra are culturally and linguistically close, which is the reason why Navarra explores the Basque media. In turn, in Castilla-La Mancha media law refers to the fundamental rights guaranteed in art. 14 of the Constitution of Spain, once again stressing the respect of such values as equal opportunities and equal treatment of women and men.

Parliament of the Balearic Islands adopted in 2016 its own law on equality between women and men, in which the entire chapter VII deals with communication in the media and advertising. Particular reference was made to such issues as non-sexist language in the media, prohibition of presenting people as sexual objects, dissemination of content justifying or inciting violence against women. In addition, public administration of the islands and the Equality Observatory are to cooperate with the media in order to develop a model of informing on equality and cases of, as the legislator itself writes, “violence from men” (*Ley 11/2016*, BOE núm. 202). Public media in the Balearic Islands are also to guarantee the promotion of all political, social, cultural or sports activities involving women. They should preferentially treat social campaigns on equality, as well as provide access to leadership positions for women and cooperate with women’s associations in the sphere of communication (*Ley 11/2016*, BOE núm. 202). Women’s Institute of the Balearic Islands operates in this region, which supervises the correctness of images of women presented in advertising. The Balearic Islands seem to be very advanced in terms of legislation compared to other regions: “Public authorities in the Balearic Islands shall promote activities that support the implementation of new technologies based on equality criteria and the participation of women in building an information society and knowledge, design and creation of digital women’s copyright products related to innovation and content creation that meet the needs and interests of women”. (*Ley 11/2016*, BOE núm. 202). The Audiovisual Council of the Balearic Islands was also equipped with control competences regarding content. The Council may, among other, require the producer companies to amend or completely change the advertisement both within law and at the request of the interested party (art. 64). In the act on public media in the Balearic Islands, the provisions on equal treatment of women or the protection of women’s rights appear in one general point on public media missions (art. 4.1 g) (*Ley 15/2010*, BOE núm. 30). The fight for women’s rights and gender equality and respect for people with different sexual orientations is the result of the policies of left-wing parties that cooperate with each other in the Parliament of the Balearic Islands: PSOE, MÈS (Moviment d’Esquerres) and Podemos.

In turn, the act on public media in the autonomous region of Madrid draws from several solutions that appear in other communities. On the one hand, these are general provisions on gender equality and non-discrimination and the use of non-sexist language in audiovisual media, and on the other hand the active involvement of representatives of women’s organisations in media management. In the advisory council of Radio Televisión Madrid, consisting of 17 members, one seat is guaranteed for the representative of the Women’s Institute (art. 26 e) (*Ley 8/2015*, BOE núm. 71).

The new act on public media in Valencia introduces periodic approval of plans for equal opportunities for women and men and the elimination of discrimination based on gender. The competency of this type is vested in a management council, which is the most important executive body of a public broadcaster in the autonomous region of Valencia (art. 16.3 c) (*Ley 6/2016*, BOE núm. 192). In addition, there is a place in the Citizens’ Council as a consultative body for one member (or female member, which is clearly stressed by the law) from the most important social organisations fighting against violence and for gender equality (art. 20.3). It is worth mentioning here that the autonomous public media in Valencia were closed as a result of the corruption scandal in 2013. It was part of the so-called Gürtel affair. In April 2018, after numerous attempts

to restore the radio and television of Valencia, trials began, and from August 2018, public media in Valencia broadcast regularly.

The Canary Act stipulates that the board of directors of a public media company, consisting of five members, is to strive for equal representation of women and men (art. 10.1) (*Ley 13/2014*, BOE núm. 32). Also a representative of the Equality Institute of the Canary Islands is a member of the advisory board of public radio and television in the Canary Islands (art. 22.2b).

In the Basque act on media of 1998, the question of gender equality has not yet appeared. However, Basques regulated this issue in a separate legal act on equality between women and men in 2005, thus overtaking national regulations (a similar situation related to the establishment of their own autonomous audiovisual media). Chapter II of this act is devoted to the role of the media in the promotion of equality, non-discrimination and the fight with violence against women. Adopted solutions coincide with those that were later introduced in the Balearic Islands. In addition, under the Basque Government, there is a special control body responsible for monitoring the advertising market in terms of eliminating all kinds of discrimination based on gender (art. 26 and 27) (*Ley 4/2005*, BOE núm. 274).

Regulations at the regional level aim, as can be seen from the analysis of media acts, at a top-down implementation of some practices of social life, somewhat forcing introducing women to the media governing bodies and ensuring that woman have the power to influence the decisions taken. The situation in Spain regarding gender equality is beginning to change. Actions are taken to eliminate differences, such as the employment of female journalists at middle-level positions, or more frequent application of the principles of employment equality in digital media (De-Miguel, Hanitzsch, Parratt, & Berganza, 2017, pp. 497–506).

### **Gender mainstreaming in Polish media legislation**

“Men and women shall have equal rights in family, political, social and economic life in the Republic of Poland” - such a provision appears in art. 33 of the Constitution of the Republic of Poland. The above-mentioned Constitution specifically underlines (...) “equal rights, in particular, regarding education, employment and promotion, and shall have the right to equal compensation for work of similar value, to social security, to hold offices, and to receive public honours and decorations” (*Journal of Laws* no. 78, item 483, as amended). Poland, since its accession to the European Union in 2004, has taken into account the Community’s regulations on gender equality. On the basis of the EU guidelines, a number of legal acts were amended and new provisions were introduced in line with the principles of equality policy. Act on the implementation of some regulations of European Union regarding equal treatment of 3 2010 regulates many issues, but also includes a point that says that the provisions of this document do not apply to “content contained in mass media and advertisements in the scope of access and provision of goods and services, in the scope regarding the different treatment on grounds of gender” (*Journal of Laws* 2016, item 1219). Even before Poland’s accession to the EU, the Government Representative for Equal Status of Men and Women was appointed, which in 2008 was changed to the Government Plenipotentiary for Equal Treatment, while in 2016, after another modification, this position was combined with the Government Plenipotentiary for Civil Society.

In order to implement the EU guidelines, a number of actions are taken to counteract gender discrimination in the public sphere. Therefore, in 2012, the project of “Media of equal opportunities” was organised in the Chancellery of the Prime Minister and the office of the Government Plenipotentiary for Equal Treatment, which included competitions, trainings, thematic conferences and the final product in the form of the publication *Równościowy savoir-vivre w tekstach publicznych* [Equality savoir-vivre in public texts] (Małocha-Krupa, Hołojda, Krysiak, & Pietrzak,



2013). There are also codes of good practices that exist in the workplace; textbooks and guides showing examples of violation of the principles of gender equality and presenting the canons of conducting public discourse in accordance with *gender mainstreaming* standards. One of the effects of the project “Hate Speech Alert – przeciwko mowie nienawiści w przestrzeni publicznej” [Hate Speech Alert - against the hate speech in public space] of the INTERKULTURALNI PL Association and the Dialog-Pheniben Foundation was the development entitled *Jak pisać nie dyskryminując?* [How to write without discrimination? Guide for environmental journalism], in which we can find many recommendations for media workers writing about discriminated groups, among others due to gender. The guide draws attention to issues such as: a) use of male and female terminals and sensitivity to language equality; b) presentation of women and men in various social roles; c) promotion of various approaches to the family structure, without judging; d) promotion of gender and stereotyped presenting social roles; e) directing the representatives of both genders to certain issues, such as reproduction, welfare, maternal and child health, education, upbringing and family planning; f) care for the equal representation of women and men as experts in a variety of communications media; g) protection of the image of victims of both genders; h) avoiding focusing on female experts’ appearance, physical characteristics, and their description unrelated to the topic of interest of a given journalistic material (*Jak pisać nie dyskryminując?*, 2016). For comparison – such recommendations appear in regional laws in Spain, e.g. in the acts of Galicia or Balearic Islands.

Maciejewska (2007), in her publication *Jak pisać i mówić o dyskryminacji. Poradnik dla mediów* addresses equality issues in access to media, social roles and themes. She tackles the problems of equality language and suggests the use of several principles in journalistic practice, e.g. avoiding double standards.

Broadcasting act of 29 December 1992 and the Press act of 26 January 1984 are two legal acts regulating the activity of journalists or media in Poland (*Journal of Laws* 2017, item 1414, as amended; *Journal of Laws* 1984, no. 5, item 24, as amended). In the indicated documents, there are no rules regarding gender equality in relation to working as a journalist. The general legal regulations applied to the labour market apply, among others, Labour Code, where we can find such statements: a) “any discrimination in employment, direct or indirect, in particular in respect of gender (...), are prohibited” (art. 11 b); b) “employees should be treated equally in relation to establishing and terminating an employment relationship, employment conditions, promotion conditions, as well as access to training in order to improve professional qualifications, in particular regardless of sex (...)” (art. 18<sup>3a</sup> § 1); c) “discrimination on the grounds of sex also includes any form of unwanted conduct of a sexual nature, or in relation to the sex of an employee with the purpose or effect of violating the dignity of an employee, in particular when creating an intimidating, hostile, degrading, humiliating or offensive atmosphere; this conduct may include physical, verbal or non-verbal elements (sexual harassment)” (art. 18<sup>3a</sup> § 6); d) “the employer is obliged in particular to act against discrimination in employment, in particular in respect of sex” (art. 94 2b) (*Journal of Laws* 2018, items 108, 4, 138, 305, 357).

Taking into account the results of analyses of documents regulating the functioning of media in Spain, it should be noted that in Polish legal acts, e.g. the Act on the National Media Council of 22 June 2016 or the Press act of 26 January 1984, no female forms, but only men forms are used. Spanish legislation uses female forms, clearly indicating the equality of both genders.

In the catalogue of tasks of the National Broadcasting Council, there are no guidelines on the gender equality. Similarly, the code of media ethics and the set of principles of ethical work of the National Broadcasting Council do not have standards relating to *gender mainstreaming*. On the other hand, among the statutory tasks of public radio and television, we can find a lot

of different elements, such as strengthening a family, shaping pro-health attitudes or combating social pathologies, but here there are also no recommendations regarding the duty to care for the principles of gender equality.

The second important issue in considering *gender mainstreaming* in Polish media legislation is gender equality in media messages. Attention must be paid to the provisions of the Broadcasting act of 29 December 1992, referring to commercial messages, which may not contain "(...) content discriminating on grounds of race, sex, nationality, ethnic origin, religion or belief, disability, age or sexual orientation" (art. 16c, paragraph 3(2)). Whereas in art. 18 para. 1, we read that "programmes or other broadcasts may not encourage actions contrary to law and Poland's *raison d'Etat* or propagate attitudes and beliefs contrary to the moral values and social interest. In particular, they may not include contents inciting to hatred or discriminating on grounds of race, disability, sex, religion or nationality". The guidelines were repeated with regard to programs provided as part of audiovisual media services on demand (art. 47 h) (*Journal of Laws* 2017, item 1414, as amended). In fact, the legal regulations regarding the issue of gender equality in the Polish media messages end there. Spanish laws are much more precise in this respect and mention a number of situations in which all care should be taken while maintaining gender balance in communication.

In the document *Polityka równości płci Polska 2007. Raport* [Gender equality policy. Poland 2007. Report] there are numerous comments highlighting the lack of institutional and formal solutions regarding the principles of gender equality in Polish media. It was stated that the ideological orientation of the media influences the recognition or ignoring the subject of equality. Women's problems are treated as social issues, while the so-called women's and men's topics are two qualitatively different categories. Issues related to gender, gender equality or violence prevention presented in the media refer mainly to domestic violence, sexual harassment, presence of women in politics, situation of women in the labour market and in public life, and men in the context of housework. The problems of women and minorities in the mainstream media are being marginalised. Women are portrayed in the media as victims of direct and symbolic violence, and representatives of feminist circles and their actions are usually negatively represented. We also observe in Polish journalistic materials a disrespectful approach to equality policy implemented in other EU countries. The report emphasises that the language of Polish media is, on the one hand, is a tool for discrimination (use of discriminatory phrases, less frequent appearance of women's experts), and on the other - gender equality (language sensitive to gender appears in the press).

## Final conclusions

Referring to gender equality in the media of the European Union countries, it is worth recalling the results of the report on the presence of women and men in the structure of the media and their content. Women account for 24% of people appearing in the news and show the most mainstream opinions (41%) or personal experiences (38%), but rarely play the role of experts (18%). In the news programs, men dominate, whose advantage in the field of sport, politics, economy and finance is enormous, while female characters are practically absent in historical media content (*Gender Equality in the Media Sector...*).

Table 2. Proportions of the main topics in newspapers, radio and television news implemented by women and men in EU countries in 2015

Topic	Number of messages	Topics implemented by women (%)	Topics implemented by men (%)
politics and government	678	30	70
crime and violence	343	34	66
social and legal	1.256	38	62
celebrities, art, media and sport	341	42	58
economy	403	43	57
science and health	237	44	56
other	26	46	54
total	3.284	38	62

Source: own study based on *Gender Equality in the Media Sector*, 2018, p. 23

Table 3. Women as hosts and reporters in the years 1995–2015 in the EU countries (data in %)

	1995	2000	2005	2010	2015	% increase in the period of 15 years
hosts	51	49	53	49	49	0
reporters	28	31	37	37	37	6

Source: *Who makes the news? Global Media Monitoring Project 2015*, 2018, p. 48

The percentage of women among reporters increased in 2015 (compared to 2000) by 6%. Female reporters are most often present on the radio, where they account for 41%, and the least frequently present in the print press - 35%. It should be noted, however, that within 15 years the share of female reporters in the press increased by 9%, while on television only by 2%. Data on hosts and hostesses show that in 2015 women accounted for 49% in this group, and thus over the analysed years, the share of women decreased by two percentage points. In the environment of radio hosts and hostesses, the percentage of women did not change and remained at 41%, while the percentage of TV hostesses increased by 1% and amounted to 57% in 2015. (*Who makes the news? Global Media Monitoring Project 2015*, 2018:48).

In the EP resolution referred to, we find many recommendations regarding equality in the area of employment of women in the media sector (e.g. maternity leave, prohibition of discrimination, compensation of wages, employment of women in managerial positions, creation of female expert bases, women's councils and employees responsible for gender equality issues in place of work) and guidelines to eliminate inequalities in media content (promoting equality programs, combating sexism and stereotypes, regulating access to video games about harmful content and pornography on the Internet, disagreement with recording gender stereotypes in media content for economic reasons, combating aggression and sexist messages, directing family planning materials, sexual and reproductive rights to representatives of both genders, supporting the ability to use the media offer in a manner consistent with the gender equality policy, showing positive images of women in the media, defining rules for removing content that is inconsistent with applicable legal standards, and cooperation with gender equality bodies and non-governmental organisations working for women, guaranteeing the fight against content that calls for violence and hatred against any person or group in all types of media, self-regulation and co-regulation in the media through codes of conduct) (*European Parliament resolution of 17 April 2018 on gender equality in the media sector in the EU...*).

Table 4. Policy of equality Polish media companies in Poland and Spain (data in %)

Element of a policy of equality	Poland	Spain
Has a policy on gender equality	33	55
Has a policy on sexual harassment	11	55
Has a policy on maternity leave	44	91
Has rules on paternity leave	89	91
Ensures women return to the same job after maternity leave	100	91
Offers assistance in child care	78	27
Offers educational training	100	73

Source: Byerly (2011). *Global Report on the Status of Women in the News Media*. International Women's Media Foundation, pp. 291-365

The presented research results (Table 4) show that Polish media companies cope with the organisation of return to the labour market for women after maternity leave, while Spanish dominate in the field of equality policy.

Analysis of the available data allows to conclude that the catalogue of soft materials regarding the application of *gender mainstreaming* rules in the work of journalists in Poland, i.e. documents that do not bear the marks of legal regulations (manuals, guides, vademecum for journalists), is rich. In addition, non-governmental organisations and public administration bodies should be identified in the group of entities undertaking initiatives in this field. Summing up the considerations regarding the principles of *gender mainstreaming* in Polish journalism, one should, however, diagnose a visible deficit of formal and legal regulations in this area, both in the area of the journalist's environment and the principles of equality in relation to media messages.

Against this background, legal regulations in Spain are very precise. The role of the state and regional authorities is interventional. Journalists are required to apply not only their own codes of ethics at the level of individual editorial offices (as encouraged by the Act on effective gender equality of 2007), but also statutory obligations are imposed on them to treat men and women equally in the construction of a media message. Moreover, the specificity of the territorial system of Spain enables wider protection of women's rights and the real implementation of equality policies at regional levels. Thanks to own media legislation, some autonomous regions actively promote the idea of *gender mainstreaming* in regional media, developing laws on the central level. The practice of social life shows that in terms of gender equality there is a slow yet visible change in Spain. In Spain's government, led by Pedro Sanchez, 11 of the 17 positions are held by women, which is unique in the history of the country ("Un buen Gabinete", 2018).

When comparing both media systems, it can be concluded that the Spanish legislation on the introduction of gender equality in the media is much more precise. In Spain, it was decided that it was necessary to regulate the issue of gender equality at various levels of media operation, mainly due to the lack of journalistic regulation in the sphere of so-called soft instruments. In Poland, no such decision has been taken so far, leaving this problem to the policies of individual editorial offices. Therefore, further research into various aspects of gender equality in the media seems particularly important.

## References

- Act on the implementation of some regulations of European Union regarding equal treatment of 3 December 2010. *Journal of Laws* 2016, item 1219.
- Bajka, Z. (1991). Dziennikarze (1981–1990) [Journalists (1981–1990)]. *Zeszyty Prasoznawcze*, 1–2, 149–159.
- Balance de quejas recibidas en la Oficina de Defensa de la Audiencia* (n.d.). Retrieved on 27 April 2018 from <http://www.consejoaudiovisualdeandalucia.es/oda/conoce-la-oda/balance-de-quejas>
- Białek-Szwed, O. (2016). Rola i miejsce kobiety w polityce w perspektywie współczesnych mediów w Polsce [The role and place of women in politics in the perspective of the media in Poland]. W M. Adamik-Szysiak (Ed.). *Polityka w zmediatyzowanym świecie. Perspektywa politologiczna i medioznawcza [Politics in the mediatized world. Political science and media science perspective]* (pp. 123–134). Lublin: Wydawnictwo UMCS.
- Brügge, M., Engesser, S., Büchel, F., Humprecht, E., & Castro, L. (2014). Hallin i Mancini Revisited: Four Empirical Types of Western Media Systems. *Journal of Communication*, 64, 1037–1065. doi: 10.1111/jcom.12127
- Brzoza, K. (2017). Obraz polityczek w okresie wyborów parlamentarnych w 2015 roku w polskich tygodnikach opinii a teoria zagłuszanej grupy [Image of female politicians during the parliamentary elections in 2015 in the Polish weekly opinion and obscured group theory]. *Political Preferences*, 17, 139–154. doi: 10.6084/m9.figshare.5723119
- Bustamante, E. (2013). *Una asignatura pendiente de la democracia*. Barcelona: Editorial Gedisa, S.A.
- Byerly, C. M. (2011). *Global Report on the Status of Women in the News Media*. International Women's Media Foundation.
- Dobek-Ostrowska, B. (2015). Między politologią a komunikologią. Razem czy osobno? Przypadek studiów porównawczych nad relacjami polityki i mediów w Europie Środkowo-Wschodniej [Between political science and communication science. Together or alone? The case of comparative studies on the relationship of politics and media in Central and Eastern Europe]. *Politeja*, 4(36), 27–49. doi: 10.12797/Politeja.12.2015.36.03
- Duda, M. (2016). *Dogmat płci. Polska wojna z gender* [The dogma of sex. Polish war with gender]. Gdańsk: Wydawnictwo Naukowe Katedra.
- European Parliament resolution of 17 April 2018 on gender equality in the media sector in the EU* (2017/2210(INI)). Retrieved on 10 August 2018 from <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2018-0101&language=PL&ring=A8-2018-0031>
- Frączak, A. (Red.) (2014). *Gender mainstreaming w polskim dyskursie medialnym na przykładzie debaty nad Konwencją o zapobieganiu i zwalczaniu przemocy wobec kobiet i przemocy domowej* [Gender mainstreaming in the Polish media discourse on the example of the debate on the Convention on preventing and combating violence against women and domestic violence]. Kraków: Krakowskie Towarzystwo Edukacyjne sp. z o.o. – Oficyna Wydawnicza AFM.
- Gender Equality in the Media Sector, Study for the FEMM COMMITTEE*, European Union 2018. Pobrane 10 sierpnia 2018 z <http://www.europarl.europa.eu/supporting-analyses>
- Hallin, D.C., Mancini, P. (2007). *Systemy medialne. Trzy modele mediów i polityki w ujęciu porównawczym* [Media systems. Three models of media and politics in comparative perspective]. Trans. by Lorek, M. Kraków: Wydawnictwo Uniwersytetu Jagiellońskiego.
- Hallin, D. C., Mancini, P. (2012). *Comparing Media Systems. A Response to Critic*. W Esser, F., & Hanitzsch, T. (Eds.). *The Handbook of Comparative Communication Research*. New York (pp. 207–220). London: Routledge.
- Hardy, J. (2012). *Comparing Media Systems*. W Esser, F., & Hanitzsch, T. (Eds.). *The Handbook of Comparative Communication Research*. New York (pp. 185–206). London: Routledge.
- Kłusek, O. (2017). *Trywializacja feminizmu. Pop-feminizm, latte-feminizm i girl power w kobiecej prasie ilustrowanej segmentu luksusowego* [Trivialisation of feminism. Pop-feminism, latte-feminism and girl power in luxurious illustrated female press]. Gdańsk: Wydawnictwo Uniwersytetu Gdańskiego.
- Labour Code* dated 26 June 1974, *Journal of Laws* 2018.

- Korczyc, A. (2011). Wizerunek płci męskiej i żeńskiej w reklamie [An image of male and female in advertising]. W Baranowska-Szczepańska M. (Ed.). *Ona w XXI wieku – interdyscyplinarny obraz kobiety* [She in the 21st century – interdisciplinary image of a woman] (pp. 349–365). Poznań: Instytut Naukowo-Wydawniczy Maiuscula.
- Kuś, M. (2013). *Telewizja publiczna w Hiszpanii. Pomiędzy polityką a rynkiem* [Public television in Spain. Between politics and the market]. Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.
- Ley 4/2005, de 18 de febrero, para la Igualdad de Mujeres y Hombres. BOE núm. 274 de 14 de noviembre de 2011.
- Ley 22/2005, de 29 de diciembre, de la comunicación audiovisual de Cataluña, BOE núm. 38 de 14 de febrero de 2006.
- Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres. BOE núm. 71 de 23 de marzo de 2007.
- Ley 18/2007, de 17 de diciembre, de la radio y televisión de titularidad autonómica gestionada por la Agencia Pública Empresarial de la Radio y Televisión de Andalucía (RTVA). BOJA núm. 252 de 26 de diciembre de 2007.
- Ley 7/2010, de 31 de marzo, General de la Comunicación Audiovisual. BOE núm. 79 de 1 de abril de 2010.
- Ley 15/2010, de 22 de diciembre, del Ente Público de Radiotelevisión de las Illes Balears. BOE núm. 30 de 4 de febrero de 2011.
- Ley 9/2011, de 9 de noviembre, de los medios públicos de comunicación audiovisual de Galicia. DOG núm. 239 de 16 de diciembre de 2011.
- Ley 13/2014, de 26 de diciembre, de Radio y Televisión Públicas de la Comunidad Autónoma de Canarias. BOE núm. 32 de 6 de febrero de 2015.
- Ley 8/2015, de 28 de diciembre, de Radio Televisión Madrid. BOE núm. 71 de 23 de marzo de 2016.
- Ley 4/2016, de 19 de mayo, de modificación de la Ley 8/1987, de 15 de abril, de creación, organización y control parlamentario de la Corporación Aragonesa de Radio y Televisión. BOA núm. 101 de 27 de mayo de 2016.
- Ley 11/2016, de 28 de julio, de igualdad de mujeres y hombres. BOE núm. 202 de 22 de agosto de 2016.
- Ley 6/2016, de 15 de julio, de la Generalitat, del Servicio Público de Radiodifusión y Televisión de Ámbito Autonómico, de Titularidad de la Generalitat. BOE núm. 192 de 10 de agosto de 2016.
- Loscertales Abril, F., Fernández Jiménez, E., & Higazi Rodríguez, R. (2009). Violencia contra las mujeres en los medios de comunicación. Un estudio en los informativos de TVE. *Pixel-Bit. Revista de Medios y Educación*, 34, 121–134.
- Maciejewska, B. (2007). *Jak pisać i mówić o dyskryminacji. Poradnik dla mediów* [How to write and talk about discrimination. Textbook for media]. Mikuszewo: Stowarzyszenie Inicjatyw Niezależnych „Mikuszewo”.
- Małocha-Krupa, A., Hołojda, K., Krysiak, P., & Pietrzak, W. (2013). *Równościowy savoir-vivre w tekstach publicznych* [Equality savoir-vivre in public texts]. Warszawa: The Office of the Government Plenipotentiary for Equal Treatment within the project “MEDIA OF EQUAL OPPORTUNITIES”.
- De-Miguel, R., Hanitzsch, T., Parratt, S., & Berganza, R. (2017). Mujeres periodistas en España. Análisis de las características sociodemográficas y la brecha de género. *El profesional de la información*. 26(3), 497–506. doi. 10.3145/epi.2017.mai.16
- Núñez Puente, S., & Sánchez Hernández, M. (2005). Presencia de la mujer en los medios de comunicación audiovisuales en Internet. *Scire*. 11(2), 177–186. Retrieved on 1 May 2018 from: <https://ibersid.eu/ojs/index.php/scire/article/view/1529/1507>
- Ossowski, S., & Stepińska, A. (2011). Dziennikarze w Polsce: wartości, priorytety i standardy zawodowe [Journalists in Poland: values, priorities and professional standards]. *Studia Medioznawcze*, 1(44), 17–28.
- Paluch, A. (2016). Rola płci i jej wpływ na wykonywanie zawodu [The role of gender and its impact on the profession]. W Dobek-Ostrowska, B., & Barczynsyn, P. (Ed.), *Zmiana w dziennikarstwie w Polsce, Rosji i Szwecji. Analiza porównawcza* [Change in journalism in Poland, Russia and Sweden. Comparative analysis] (pp. 109–127). Wrocław: Wydawnictwo Uniwersytetu Wrocławskiego.

- Polish Constitution of 2 April 1997, Journal of Laws 1997 no. 78, item 483 of 2001, as amended.*
- Raport (2007). *Polityka równości płci. Polska 2007* [2007 report. Gender equality policy. Poland 2007]. Warszawa: Fundacja „Fundusz Współpracy”.
- Report (2013). *Review of the implementation of the Beijing Platform for Action in the EU Member States: Women and the Media — Advancing gender equality in decision-making in media organisations*. European Institute for Gender Equality.
- Równouprawienie płci w mediach i w sektorze cyfrowym* [Gender equality in the media and the digital sector], European Parliamentary Research Service, April 2018.
- Who makes the news? Global Media Monitoring Project 2015*, 2018. Retrieved on 10 August 2018 from [http://cdn.agilitycms.com/who-makes-the-news/Imported/reports\\_2015/global/gmmp\\_global\\_report\\_en.pdf](http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/global/gmmp_global_report_en.pdf)
- Stowarzyszenie INTERKULTURALNIPL (2016). *Jak pisać nie dyskryminując? Przewodnik dla środowiska dziennikarskiego* [How to write without discrimination? Guide for environmental journalism]. Kraków: Fundacja Dialog-Pheniben. Retrieved on 10 August 2018 from [https://rownosc.info/media/uploads/biblioteka/publikacje/jak\\_pisac\\_ne\\_dyskryminujac.pdf](https://rownosc.info/media/uploads/biblioteka/publikacje/jak_pisac_ne_dyskryminujac.pdf)
- Un buen Gabinete. Editorial (2018, 8 June). *El País*. Retrieved on 10 August 2018 from [https://elpais.com/elpais/2018/06/06/opinion/1528304508\\_035920.html](https://elpais.com/elpais/2018/06/06/opinion/1528304508_035920.html)
- Broadcasting act of 29 December 1992 Journal of Laws 2017 item 1414 as amended.*
- Press act of 26 January 1984 Journal of Laws 1984 no. 5 item 24 as amended.*
- Wiśniewska, P. M. (2014). *Wizerunek kobiety w mediach. Analiza porównawcza tematyki poświęconej kobietom w prasie polskiej i niemieckiej u schyłku pierwszej dekady XXI wieku* [The image of women in the media. Comparative analysis of issues dedicated to women in the Polish and German press at the end of the first decade of the 21st century]. Poznań: Wydawnictwo Naukowe Silva Rerum.