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## The image of women in advertising

Report  
Committee on Equal Opportunities for Women and Men  
Rapporteur: Ms Gülsün BILGEHAN, Turkey, Socialist Group

### *Summary*

Images which are totally divorced from reality are still common in advertising and this applies to many stereotypes concerning the role and functions of women and men in society. It is chiefly women who are vulgarised in advertisements and commodified or presented as sex objects – usually in ways which have nothing to do with the actual product. Advertisers bear a heavy responsibility, since they exercise a decisive influence on the public and particularly the young – often, indeed, with lasting effects on their vision of themselves and others.

Advertising can be discriminatory or violate human dignity when, in one way or another, it debases or humiliates either sex.

At the same time, we must remember that freedom of expression is, and must remain, the rule, but that respect for human dignity is a vital reference point.

The Parliamentary Assembly should urge the Council of Europe's member states to change their laws to make incitement to discrimination in any advertising medium an offence, give women's associations the right to bring proceedings, strengthen the self-regulating machinery set up by national advertising standards authorities and take action to foster critical attitudes to advertising.

The Assembly should also recommend that the Council of Europe's Committee of Ministers instruct an international committee of experts to make a thorough study of the image of women and men in advertising and on the basis of the findings, draw up a European code of good conduct, encouraging advertisers to present images of women and men which respect their dignity.

## **A. Draft resolution**

1. The Parliamentary Assembly notes that images of women which are totally at odds with their actual roles in our contemporary societies are still common in advertising today.
2. Too often, advertising shows women in situations which are humiliating and degrading, or even violent and offensive to human dignity.
3. The Assembly is angered by the fact that women are nearly always the ones who are presented in certain advertisements as mere consumer commodities or sex objects.
4. Respect for human dignity should be one of the advertisers' constant aims.
5. The Assembly is aware that much work will be required to change attitudes and demolish stereotypes which do women a disservice in their fight for equality. Its fundamental aim is accordingly to ensure that women everywhere can at last see their real image faithfully reflected in the world in which they lead their daily lives.
6. It welcomes the fact that certain governments, non-governmental organisations and European governmental agencies have made progress on the image of women in the media and advertising. Studies have been carried out and laws have even been strengthened to combat discrimination between women and men.
7. However, the Assembly deplores the persistence of negative images and representations of women in advertising, which is partly due to the fact that many European states lack adequate laws, and that national advertising codes are either ignored, or indeed non-existent.
8. It recalls the importance of the Declaration and Platform for Action of the Fourth World Conference on Women (Beijing, September 1995), which recommends, among other things, that the media and advertising bodies "develop, consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women".
9. Basing itself on the United Nations Convention of 18 December 1979 on the Elimination of all Forms of Discrimination against Women, the Assembly emphasises the need for action of three kinds: regulation, self-regulation and training to help people to react critically to advertising.
10. The Assembly accordingly recommends that the Council of Europe's member states:
  - 10.1. ratify the Optional Protocol to the 1979 Convention on the Elimination of all Forms of Discrimination against Women, make a declaration accepting the amendment to Article 20 (1) of the Convention, bring their laws into line with those texts and submit, if they are not already doing so, regular reports to the Committee on the Elimination of Discrimination against Women on the legislative, judicial, administrative and other measures they have adopted to implement the Convention and on progress made in this regard;
  - 10.2. implement the Beijing action programme on women and the media and take stock every year of progress made in this area;
  - 10.3. adopt domestic laws:
    - 10.3.1. making incitement to discrimination an offence in all advertising media;
    - 10.3.2. giving women's associations the right to take legal action in defence of a collective interest - the elimination of discrimination against women in advertising;
  - 10.4. encourage the introduction of national self-regulating schemes and reinforce the self-regulating machinery set up by national advertising standards authorities by:

- 10.4.1. amending national ethical codes to prevent the dissemination of advertising images or messages which may be interpreted as inciting to discrimination against women, or as violating human dignity;
  - 10.4.2. including consumer representatives (women and men) on national advertising standards authorities;
  - 10.4.3. strengthening the binding character of decisions taken by advertising standards authorities;
  - 10.4.4. attaching to national advertising standards authorities a group of experts to make an in-depth study of the mechanisms of advertising;
- 10.5. take the following educational measures in respect of advertising:
- 10.5.1. provide continued training for advertising professionals, and also basic training in advertising schools, on respecting equality between women and men and, more generally, avoiding discrimination;
  - 10.5.2. set up programmes to help consumers to analyse the effects of advertising;
  - 10.5.3. provide adequate resources and run programmes in schools to teach children to distinguish between advertising and reality;
  - 10.5.4. run press campaigns to make the public aware of sexist or violent advertising and tell them what they can do to curb it;
  - 10.5.5. provide toll-free phone numbers and e-mail and postal addresses which the public can use to complain when advertisements use images of women which violate human dignity;
  - 10.5.6. introduce a prize awarded by advertising professionals, and a prize awarded by the public, for the advertising which breaks most effectively with sexist stereotypes.

**B. Draft recommendation**

1. The Parliamentary Assembly refers to its Resolution ... (2007) on the image of women in advertising and asks the Committee of Ministers to ensure that the member states implement it.
2. It asks the Committee of Ministers to appoint an international committee of experts to make an in-depth study of the image of women and men in advertising.
3. On the basis of the findings of this study, the Committee of Ministers will be asked to draw up a European code of good conduct encouraging advertising professionals to present images which are not discriminatory and respect the dignity of women and men.
4. The Assembly also asks the Committee of Ministers to:
  - 4.1 award a European prize to advertising which breaks most effectively with sexist stereotypes and promotes equality between women and men;
  - 4.2 organise a European campaign to make the public aware of sexist or violent advertising and tell them what they can do to curb it.

## C. Explanatory memorandum by Ms Gülsün Bilgehan, Rapporteur

### I. Introduction

1. The Rapporteur is continuing the work, already well advanced, undertaken by the previous two Rapporteurs, Ms Laloy and Ms Pehlivan, who were both unfortunately unable to finish their work.

2. Advertising plays a major role in contemporary society. Every day, we see hundreds of images which imperceptibly give us distorted ideas of the status, behaviour and roles of individuals in the community. Advertisers bear a heavy responsibility, since they still present, all too often, images which threaten human dignity, incite to violence and contribute to misunderstanding between the sexes.

3. Certain advertisements, some of them very widely displayed, rely on images which are degrading and humiliating to women – presenting them, for example, as stereotypes of physical beauty and using them simply as bait, to focus the consumer's attention on the product offered.

4. Advertising becomes genuinely dangerous when it uses images or word-play to perpetuate sexism by reinforcing a stereotyped vision of male-female relations, or when it trivialises violence.

5. European consumers are bombarded with aggressively sexual images of women and are less and less able to counter this trend, which is now spreading to images of men. It is true that the public are becoming more sensitive in the matter of respect for human dignity in advertising. In Belgium, for example, complaints of indecency accounted for 38% of all those received by the Jury of Ethical Advertising in 2003<sup>1</sup>. In France, the Advertising Standards Authority (*Bureau de la vérification de la publicité*, BVP) reports that 36.5% of complaints concern "the image of the human person", making this the chief problem<sup>2</sup>. The British Advertising Standards Authority reports that 25% of the complaints processed in 2005 dealt with anti-social behaviour (violence) and the representation of women and men, one objection being the lack of any connection between the product and the image used to sell it<sup>3</sup>.

6. In other words, advertising is far from conveying the message that women and men are equal. In fact, it is chiefly women who are presented in certain advertisements as mere commodities or sex objects.

7. The division of roles between women and men in the community is undergoing radical changes, but the image of women in advertising rarely reflects this.

8. This is why it is vital to denounce the discrepancy between the stereotypes employed in some advertising and the wide range of roles and functions which women exercise in the community.

9. Moreover, the last few years have seen a return to the worst of the old, distorted clichés, with women confined to the home and dancing attendance on their menfolk, or using their physical attributes to push sales, regardless of the product. Over the very same period, equal opportunity has made substantial progress, both in law and in practice, with women playing a bigger part in political and community life throughout Europe.

10. The seriousness of all this becomes apparent when we remember that the impact of advertising on the public, and particularly the young, is so decisive that it may well have lasting effects on the way they see themselves and others, and undermine the progress made on gender equality.

11. To form a clear idea of the problems, the Assembly's Committee on Equal Opportunities for Women and Men held a hearing on this question in Paris on 16 May 2006, to which various representatives of the advertising world were invited.

<sup>1</sup> JEP, <http://198.104.187.9/jep/fr/>

<sup>2</sup> BVP, activity report for 2005, p.7:

<http://www.bvp.org/fre/High/informations-generalistes/bvp-communique/rapports-annuels/10253/rm2005.pdf>

<sup>3</sup> Minutes of the hearing on the image of women in advertising, organised by the Committee on Equal Opportunities for Women and Men in Paris on 16 May 2006, p. 11.

## II. Why target advertising?

12. Violence, stereotyped images and the use of women as sex objects are not limited to advertising. Other media – TV series, programmes and gameshows, video clips, radio programmes (all particularly aimed at young people), etc. - feature them too.

13. However, the very nature of advertising, and its undoubted mass medium status, help it to give these images a currency and impact which being linked with certain (often luxury) brands merely serves to reinforce<sup>4</sup>.

14. Their recurrence in advertising trivialises these images of women as objects – aggressively sexual, dependent, submissive or the victims of violence.

15. In developed countries, it is estimated that every individual is now exposed to some 2,500 advertising messages daily<sup>5</sup>. Advertising is everywhere, in the home and outside; it is an inbuilt part of our everyday environment and, in one form or another, is with us all the time. We get it in the old familiar ways (TV, radio, press, cinema, posters, etc.) and in new ones too (pop-ups and spam on the Web, mobile phone messages, junk-mail) - not to mention artful product placement in films<sup>6</sup>.

16. Art and advertising are different things – and different because their aims are diametrically opposed. The artist seeks to communicate a truth, the advertiser simply to sell. For Mr Tisseron, advertising is about one thing only: using aesthetic, targeted suggestions to sell a product<sup>7</sup>. Indeed, European law defines advertising as “the making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations”<sup>8</sup>. Since advertising forces itself on people, it is reasonable that it should be more strictly regulated than culture and its products.

17. Ms Pasquier also sees a difference between art, where we are active, and advertising, where we are passive: we seek out the first, but the second comes looking for us. Because this is so, and because advertising is merely a front for selling products, it does not enjoy the same rights as art, e.g. the right to break taboos<sup>9</sup>.

18. The voluntary consumption of art is easily distinguished from the forced consumption of advertising - inflicted on captive consumers who cannot close their eyes to the images which surround them in their everyday environment.

19. Because advertising serves commercial interests, and because its language is the language of seduction, advertisers have a duty to monitor its content and must answer for the public's reactions to it. Mr Teyssier insists that this is their chief ethical responsibility - to respect the public, whether readers, viewers or consumers<sup>10</sup>.

## III. The representation of women in advertising

20. Advertising seeks to influence behaviour as a sales ploy – that is its *raison d'être*. It must persuade us insidiously, without making us feel that we are being manipulated. It has, in other words, to seduce us by playing on, and activating, unconscious desires - and what better means to this end than images of women?

21. Mr Tisseron believes<sup>11</sup> that the widespread presence of women in advertising reflects the very nature of advertising, which plays on three kinds of desire: sexual desire, the desire to think well of oneself, and the desire to be part of a group.

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<sup>4</sup> Report, *L'image des femmes dans la publicité*, France 2001, p. 9.

<sup>5</sup> Ignacio Ramonet, *La fabrique des désirs*, «Le Monde diplomatique», May 2001.

<sup>6</sup> Sébastien Darsy, *Le temps de l'antipub, l'emprise de la publicité et ceux qui la combattent*. “Actes sud”, pp. 25ff.

<sup>7</sup> Minutes of the hearing, p. 4.

<sup>8</sup> Council Directive 84-450 EEC, 17/09/1984, OJEC 19/09/1984, No.L250, p. 17.

<sup>9</sup> Minutes of the hearing, loc. cit., pp. 3 and 4.

<sup>10</sup> Minutes of the hearing, loc. cit., pp. 10ff.

<sup>11</sup> Minutes of the hearing, loc. cit., p. 2.

22. Concerning the first, he explains that advertising works by manipulating various forms of sexual desire. Products aimed at men are normally associated with a desirable female body; products for women are normally associated with a desirable female image. In advertising, women appear as models for women, and potential partners for men.

23. He further explains that our desire to be valued accounts for the widespread presence of women-as-mothers in advertising, where they are used to make us feel loved. Basically, this kind of advertising aims at childhood regression, encouraging us to associate our own mother with the product – and playing on our self-esteem.

24. Advertising's third big discovery is that we all want to be part of a group. Possessing certain things is tantamount to joining an exclusive club, whose members own things that few others can afford<sup>12</sup>.

25. Since they sell products effectively, women remain a "sure bet" for advertisers.

26. The real issue is not specific images of scantily clad women, but "the proliferation of images which together generate theories as to what women are, what they do, and what can be done with them"<sup>13</sup>.

27. Sexist stereotypes are nothing new, and can be defined as "any pejorative or partial representation of either sex (in language, attitudes or images), which associates particular roles, modes of behaviour, characteristics, attributes or products to people on the basis of gender, without taking them into consideration as individuals. Partiality and denigration may be either explicit or implicit"<sup>14</sup>. The gap between the stereotypes used in advertising and the many roles played by women today needs to be highlighted.

28. Although women's liberation has made rapid progress, it is clear that the image of women in advertising has changed little. Today, that image is still very much what it was before the feminist revolution, i.e. women as housewives with horizons bounded by kitchen, home and school. Still highly stereotyped, it usually shows women only as perfect wife, mother or woman-as-object. For example, women are nearly always used to advertise household products.

29. Female nudity and sexuality have also become the advertisers' favourite lure. Instead of things with which it has some connection (e.g. lingerie or beauty products for the body), nudity is used to sell cars, refrigerators, bedclothes and countless other products. At this point, image and product lose all connection, and use of the female body as a sales ploy turns women into mere sex objects. This reduction in their status is backed by messages suggestive of male domination. In Ms Pasquier's view, when men turn women into sex objects, they assert their power over them.<sup>15</sup>

30. Use of the female body in advertising went even further with so-called "porno chic", in which the luxury goods industry associated female sexuality with fantasies of all kinds, even trivialising pornography in the process<sup>16</sup>. Some people claim that "porno chic" is on the way out, but the rapporteur believes that it is still very present in the media. Take a very recent Dolce & Gabbana advertisement, in which a group of young women and men are holding down one of their number in a position which suggests that rape is intended. Another example: the image in a Jitrois advertisement of a leather-clad woman sprawled, legs apart, on a bed and clearly offering her body to a man - which also suggests that a sex act is imminent<sup>17</sup>.

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<sup>12</sup> Minutes of the hearing, loc/ cit., p. 2, and Serge Tisseron, *La Psychologie de l'image*, [http://www.dunod.com/pages/magazine/interview3.asp?choix=1&Id\\_interview=30#2](http://www.dunod.com/pages/magazine/interview3.asp?choix=1&Id_interview=30#2)

<sup>13</sup> Michielsens Magda, *Créer une femme* in "D'image en image – Les femmes dans les médias et la publicité", research project commissioned by the Ministry of Employment and Equal Opportunity, Mie Smet, 1995, p.9.

<sup>14</sup> Definition based on the "Sex Role Portrayal Code for Television and Radio Programming", Canada, October 1990, proposed by the Equal Opportunity Directorate of the French-speaking Community in Belgium.

<sup>15</sup> Minutes of the hearing, loc. cit., p.4.

<sup>16</sup> Sébastien Darsy, *Le temps de l'antipub, l'emprise de la publicité et ceux qui la combattent*. "Actes sud" p. 45.

<sup>17</sup> See, for example, Vogue, Paris, No. 870, September 2006.

31. Speaking of “porno chic” in its latest report, the French Advertising Standards Authority sees “signs that this trend, which used pornographic images of violence and submission, appeared around 2000 and had practically disappeared in the last year or so, is coming back. Images of sexual practices involving several participants (usually triolism) are particularly common”<sup>18</sup>. This type of advertising is dangerous because it stereotypes women as objects and trivialises sexual violence by glamorising it. This reduces sexuality to a consumer commodity, and the social results of this can be serious.

32. Violence is frequently trivialised in advertisements featuring situations in which men dominate women, showing battered or bruised bodies in postures which suggest animals or even rape. Images or word-play of this kind imply that all of this is biologically conditioned and so normal – sometimes even presenting it in would-be humorous terms. Similarly, sexual aggression, harassment and violence are often presented as “normal” expressions of passionate desire.

33. How can anyone claim that images like this, which are thrown at the public, and which clearly incite to violence and discrimination, are not an offence against human dignity? And how can we tolerate them, knowing as we do that violence against women is a problem in all the countries of Europe, and that at least one European woman in five is the victim of domestic violence?

34. These forms of violence, usually practised on women by men, reflect a vision of the roles of men and women which is outdated and inconsistent with the concept of equality, but which is still commonplace in advertising and the media, and may totally destabilise those who suffer maltreatment.

#### **IV. The effects of advertising on behaviour**

35. The media and advertising are not solely responsible for stereotyping women or for violence against them - messages which are put across in many other ways - but they still contribute substantially to the process. Advertising has certain social duties here, since it helps, like the other media, to disseminate images of society which foster discrimination and reinforce stereotypes.

36. In fact, we are constantly exposed to “information and possible role models which shape and reshape us. The part which the media play in this social learning process, and in perceptions of that process, is very important and beyond question scientifically”<sup>19</sup>.

37. Thanks to this constant flow of images, advertising has significant effects on our perception of relations between the sexes. Often without realising it, we reproduce the attitudes and behaviour patterns it puts before us, indirectly showing us our role in male-female relationships, how “normal” women or men behave, and how to make ourselves sexually attractive. All of these “lessons” lead us to adopt stereotyped, rather than natural and personal, patterns of behaviour. In this way, advertising insidiously imposes a certain vision of “normality” on consumers.

38. Mr Tisseron says that advertising agencies rely enormously on people’s well-known tendency to identify with things which are skilfully presented - and have numerous psychologists to advise them on improving their marketing techniques. They must know how to shock consumers without going too far, and use images to motivate them without turning them off.<sup>20</sup>

39. Advertisers are prepared to spend vast sums on putting their message across: every year, billions of euros are poured into consumer research and advertising. This unrivalled “fire-power” creates a massive imbalance between reality and fantasy, and sporadic consciousness-raising campaigns, backed by slender resources, are not easily able to correct this.

40. For Isabelle Alonso, head of “Chiennes de garde”, a collective founded to combat the “prevailing misogyny”, the mirror held up by advertising is “the mirror in which it likes to see us. In our

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<sup>18</sup> BVP, activity report 2005, p. 23

<http://www.bvp.org/fre/High/informations-generalistes/bvp-communique/rapports-annuels/10253/rm2005.pdf>

<sup>19</sup> See note No. 13.

<sup>20</sup> Minutes of the hearing, loc. cit., p. 5.

man-centred world, advertising sees the world with male eyes, even when it targets the famous under-50 housewife. She too is a vehicle for everyday sexism”<sup>21</sup>.

41. The women’s movements are not the only ones to take offence, since a recent Belgian<sup>22</sup> survey of 2100 women showed that two-thirds of them regarded respect for women in advertising and the media as crucial. Moreover, nine out of ten reacted negatively to over-feminine advertising, and seven out of ten rarely or never bought products or services from firms which perpetuated clichés of the “technology for men, emotions for women” variety. The same applies in France, where the IPSOS opinion polling institute reports that 46% of French people are shocked by the way in which women are presented in advertising. In Spain too, there is growing disapproval of sexist images in advertising.<sup>23</sup>

42. Questioned on this point, a former advertising professional insisted that advertising was indeed important, and made no secret of the fact that advertisers – like artists, philosophers or film makers – played a major role in society<sup>24</sup>.

43. Other advertising professionals take a very different view and argue that advertising simply follows trends – like the current emphasis on the female body in the media – without setting them. Ms Pasquier and Ms Era also think that it mirrors society and reflects the way in which it changes<sup>25</sup>.

44. Advertising plays an active role and presents a distorted reflection of society, since the functions and attitudes of the women it shows are not those of women in real life. Advertising rarely shows women playing multiple roles, which is something they normally do in real life, as workers, wives, mothers, etc.

45. Media and advertising are one of the key factors in perpetuating sexist stereotypes.

46. Children and adolescents are not immune to sexist stereotypes either. Here again, the stereotypes come from many sources (families, friends, schools, etc.).

47. It has been found that young children are psychologically unable to make a distinction between real life and the image of real life purveyed by advertising, which may actually distort their understanding of the world. Increasingly realistic digital imagery is not without blame, and nor is the growing confusion between the real and the imaginary in both advertising and the media (reality TV, video games, films, etc.).

48. And yet, protecting children is one of this century’s great social objectives. The United Nations Convention on the Rights of the Child recognises the importance of the media, insisting, among other things, on children’s right to information and to high-quality material which is likely to promote their development.

49. Mr Tisseron thinks the real danger for children up to the age of 7 or 8 is that they may see advertising as representing the real adult world. Adult fantasies and violent images may be deeply shocking to children, cause distress and insecurity, and make them crave protection. Violent images may also prompt them to become violent themselves – earlier and more brutally<sup>26</sup>.

50. These are Mr Tisseron’s reasons for insisting that children must be taught to “read” images, and given the guidance they need to distance themselves from what they see.

51. Like everyone else, adolescents are also bombarded with sexual and stereotyped images. Some can ignore them, others get hooked. It is to be feared that young people today are so inured to

<sup>21</sup> [http://www.diplomatie.gouv.fr/fr/france\\_829/label-france\\_5343/les-themes\\_5497/dossier\\_14492/reactions-hommes-femmes-experience-francaise\\_14531/non-publicite-sexiste-exemple-une-mobilisation-reussie\\_36869.html](http://www.diplomatie.gouv.fr/fr/france_829/label-france_5343/les-themes_5497/dossier_14492/reactions-hommes-femmes-experience-francaise_14531/non-publicite-sexiste-exemple-une-mobilisation-reussie_36869.html).

<sup>22</sup> <http://www.fedis.be/menu.asp?id=3372&lng=fr&m=0>.

<sup>23</sup> Minutes of the hearing, loc. cit., p. 6.

<sup>24</sup> *Des messages coupés du vrai monde?* Interview with Olivier Toscani, “Le Vif l’Express”, No. 39, September 2004, pp. 52 and 53.

<sup>25</sup> Minutes of the hearing, loc. cit., p.13.

<sup>26</sup> Minutes of the hearing, loc. cit., pp. 2-4.

this kind of advertising that they fail to see the harm in it, and later reproduce the stereotyped behaviour patterns it offers them.

52. In other words, without necessarily inciting to violence, advertising may encourage a kind of adolescent defiance, which can easily tip into real violence later.

53. The serious problems experienced by thousands of adolescent girls today are good reason for insisting on the dangerous effects of advertisements which feature unusually thin women. These “matchstick girls” are omnipresent – in advertising, on the catwalk, in magazines – and cannot be ignored. Presented as ideals of perfect beauty, they are becoming younger - and skinnier - all the time, and the end-result is rejection of the body. These fashion-plate images of idealised, slender beauty, are a positive threat to young girls’ health and self-esteem. The underlying message is that thinness, sex appeal, physical beauty, popularity, success and happiness are linked.

54. Many psychologists and doctors with anorexic patients believe that this universal image of bodily perfection, stealthily imposed by advertising and the other media, merely aggravates this tragic problem. Countless girls and women are constantly trying to match this false ideal of beauty, and inflicting nutritional torture on themselves to do it.

55. The fashion and advertising industries have a definite responsibility here, since they have chosen to put over, by degrees, a stereotyped image of women, based on their own aesthetic criteria. Those criteria have nothing to do with the real world, from which their efforts to force a certain vision on the public have severed them.

## **V. Freedom of expression and human dignity**

56. When two vital freedoms – in this case, free speech and respect for human dignity – clash, it is never easy to decide between them.

57. Freedom of expression is one of the fundamental pillars of democracy but can never be used to justify attacks on human dignity.

58. Article 10, paragraph 1 of the European Convention on Human Rights (ECHR), which guarantees freedom of opinion and expression, has laid down a principle which the Strasbourg Court has solemnly declared to be “one of the essential foundations of a democratic society”.<sup>27</sup>

59. However, paragraph 2 of that article also makes exercise of this freedom subject to “certain formalities, conditions and restrictions provided for in law, which constitute measures necessary in a democratic society to protect the reputation or rights of others”.

60. In other words, national legislators may impose certain restrictions on freedom of expression, to protect, among other things, the health, morals, reputation or rights of others. This means that we may, without violating the basic principle, apply special measures to advertising to protect the health, morals or reputation of women.

61. Freedom of expression is also qualified by Article 14 of the Convention, which states that the rights and freedoms recognised by the ECHR must be guaranteed without any distinction on grounds of sex. This may be interpreted as guaranteeing men and women equal rights in exercising freedom of expression, but it may also be interpreted as guaranteeing that the ideas, information and opinions expressed may not in themselves discriminate against either sex.

62. Finally, a third qualification is added by Article 17 of the Convention, which declares that the rights guaranteed by the ECHR may not be used to pursue an activity or perform an act which is designed to subvert those same rights. This article is used against people who voice racist ideas, but

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<sup>27</sup> Article 10, which states that “everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by a public authority and regardless of frontiers”.

it might also be used against advertisers who abuse their right to freedom of expression to put over messages which discriminate on grounds of sex.<sup>28</sup>

63. In short, any restriction on advertisers' freedom of commercial expression must be relevant, proportionate and justified by the equally important principles of respect for human dignity and non-discrimination.

64. This is why some European countries have passed laws which make it possible to curb sexist advertising.

65. Spain and Portugal have expressly made the dissemination of advertising which discriminates against either sex a criminal offence.

66. Ms Ortiz Gómez reports that, in Spain, Act 34/1988 of 11 November 1988 on sexist advertising makes advertising which offends against human dignity or violates women's rights unlawful. This law was amended in 2004 to clarify the concept of degrading or discriminatory advertising. This is defined as advertising which directly uses the female body or part of the female body, when this has no connection with the product advertised, or which projects an image associated with stereotyped behaviour patterns<sup>29</sup>.

67. Other countries, like Belgium, have no such laws, but their courts could use anti-discrimination and consumer protection laws to attack sexist advertising, following the example of Finland, which is building up a body of case-law in this area. On several occasions, the Finnish commercial court has ruled that TV commercials which featured scantily-clad women were sexual allusions unconnected with the product, and were merely using women as bait and sex objects in a degrading and humiliating manner<sup>30</sup>.

68. The women's rights approach to this problem is the best one, for two reasons: 1. protecting women's rights does not interfere with advertisers' right to freedom of expression; 2. protecting the right to non-discrimination on grounds of sex is calculated to promote the basic democratic principle of equality between human beings.

## VI. International and European sources

69. Apart from the ECHR, there are other international texts to ensure that advertising respects human dignity and does not discriminate on grounds of sex.

### *i. At international level*

70. The Convention on the Elimination of all Forms of Discrimination against Women, adopted on 18 December 1979 by the General Assembly of the United Nations, is often regarded as the international charter of women's rights, and its optional Protocol allows women whose rights have been violated, and who have exhausted domestic remedies, to approach the Committee on the Elimination of Discrimination against Women. Article 5 of the Convention asks States Parties to modify the social and cultural patterns of male and female behaviour, with a view to eliminating practices based on stereotyped roles for women and men, or on the idea that one sex is inferior or superior to the other.

71. The Declaration and Platform for Action of the Fourth World Conference on Women (Beijing, September 1995) include recommendations on "women and the media", which emphasise the need to "develop, consistent with freedom of expression, professional guidelines and codes of conduct and other forms of self-regulation to promote the presentation of non-stereotyped images of women".

72. Articles 4.1 and 4.3 of the International Code of Advertising Practice, drawn up by the International Chamber of Commerce, state that "advertisements should not condone any form of

<sup>28</sup> *Réflexions juridiques relatives à l'image des femmes dans la publicité* by Simon-Pierre De Coster, «Journal des procès» No. 329 of 13 June 1997.

<sup>29</sup> Minutes of the hearing, loc. cit., p. 6.

<sup>30</sup> Niklas Bruun, *Les femmes et les enfants dans la publicité en Finlande*, «Gazette du Palais», 15-16 May 2002.

discrimination, including that based upon race, national origin, religion, sex or age, nor should they in any way undermine human dignity” and that “advertisements should not appear to condone or incite violence, nor to encourage unlawful or reprehensible behaviour”.

ii. *In Europe*

73. On 5 October 1995, the Council of the European Union adopted a Resolution on the image of women and men portrayed in advertising and the media, calling on member states and the relevant authorities to promote a diversified and realistic image of the possibilities and aptitudes of women and men in society, and take steps to disseminate that image.

74. In its Resolution of 16 September 1997 on discrimination against women in advertising, the European Parliament urged the media to help change attitudes and to combat sexist stereotypes in the content, images and language of advertising.

75. In its Recommendation 1555 (2002) on “The image of women in the media”, the Council of Europe’s Parliamentary Assembly asked the governments of Council member states to encourage advertisers “to increase self-regulation through their own system of professional ethics, insofar as freedom of expression permits”.

76. Finally, in the Resolution on “achieving gender equality: a challenge for human rights and a prerequisite for economic development”, adopted at the 6th European Ministerial Conference on Equality between Women and Men (Stockholm, 9 June 2006), the Ministers agreed on “strategies for achieving gender equality”, aimed, *inter alia*, at the media. Specifically, they asked the media to draw up a code of conduct for media professionals on the presentation of information on violence against women. They were also asked to portray women and men in ways which were balanced, non-stereotyped and respectful of their human dignity, and to present non-stereotyped images of women and men on the labour market and in private life.

77. In spite of these international and European instruments, however, there is no denying that a great deal of advertising is still based on sexist stereotypes which offend against human dignity.

78. It would thus be a good idea for the member states to adopt specific measures to combat sexist advertising.

## VII. Action by women to combat sexist advertising

79. There is nothing new about action by women to eliminate media stereotypes. In the 1960s and 1970s, women’s movements were already denouncing the clichés present in advertising.<sup>31</sup>

80. Mr Teyssier says that the use made of images of women was first criticised in France in the 1970s, when the target was portrayal of women as housewives or objects. Later, criticism focused on subjection of women and the underlying threat of violence. In the 1990s, sexuality was associated with male domination and violence against women, as reflected in “porno chic”<sup>32</sup>.

81. The following are women’s associations which have been particularly active in combating sexist advertising.

82. *La Meute* ([www.lameute.fr](http://www.lameute.fr)), which was founded in France, is an international network of women (and men) who are working to eliminate sexist advertising. Its members are individuals and associations who have signed the “NO to sexist advertising!” manifesto, launched by the French writer Florence Montreynaud on 28 September 2000. It has several committees outside France (in Switzerland, Quebec and Belgium) and combating sexist advertising is its *raison d’être*. Its aims are to: make the public and authorities aware of the problem, make commercial artists and their clients more sensitive to consumer opinion, and find ways of getting sexist advertising withdrawn or banned.

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<sup>31</sup> See note 16.

<sup>32</sup> Minutes of the hearing, loc. cit., p. 10.

Its methods include: demonstrations, petitions, leaflets, complaints, articles and annual prizes for the advertisements which break most effectively sexist stereotypes.<sup>33</sup>

83. The association *Images de femmes* ([www.imagedefemmes.com](http://www.imagedefemmes.com)), founded in 1998 by an industrial communication consultant, seeks to promote, in consumer and business circles, the image of women in the 50-70 age group. Women over 50 rarely appear in advertising and, when they do, are presented in terms which have little to do with real life. Advertising features all age groups from babies to pensioners, but rarely working women in their 50s – here the “youth cult” prevails. *Images de femmes* brings many forms of pressure to bear on public authorities, firms and the media – in short, any body which can help to change perceptions of women in their 50s, and promote new attitudes to them.

84. Since 1996, Belgium has had *Zorra*<sup>34</sup>, a special website ([www.zorra.be](http://www.zorra.be)) where the public can post complaints whenever the media or advertisers present material which is inconsistent with gender equality. The aim is to solve problems through dialogue between the public and media professionals (e.g. to have advertising campaigns stopped or rethought). *Zorra* also sponsors an annual prize, awarded by the public, for the “advertising which does most to promote equality for women and/or combats stereotyped social roles”.

85. In Spain, the Institute for Women ([www.mtas.es/mujer](http://www.mtas.es/mujer)) has set up an Observatory on Sexist Advertising. This is a public institution, and its primary job is to improve the image of women in advertising. It collects, analyses and classifies complaints from the public concerning sexist advertising, encourages advertisers to take corrective action, publishes annual reports on types of complaint received, and organises colloquies involving universities, associations, etc.<sup>35</sup>.

86. It is worth emphasising the work done by these associations and public agencies, which help the public, particularly via their websites, to develop a more critical attitude to advertising and so think as citizens, not merely as consumers.

87. The following are a few telling examples of sexist advertising:

- ✓ L’Oréal commercial, November 2006, shown in connection with the American TV series, “Desperate Housewives”: Eva Longoria, the new “face” of L’Oréal, advertises a lipstick with the words “Keeps you beautiful so you can keep your husband – or find another man!”

This amounts to saying that all wives have cheating husbands, or are themselves unfaithful - another fine image of women!

- ✓ A Belgian advertisement for cold meats (October 2006): a young couple are at table, the woman is heavily pregnant, and the man notices for the first time as he bites into a ham sandwich. The slogan - “If you can’t trust your wife, at least trust our ham”.

Here again, the suggestion is that no father can be sure that his wife’s children are his, i.e. that all wives are unfaithful.

- ✓ In France, thousands of advertising cards for Club-Internet<sup>36</sup> were distributed via a shopping chain. The picture shows the legs of a woman in high-heel sandals, who is lying on the floor and otherwise hidden by an open dishwasher door. Text: “I wanted football, she wanted a film on shooting stars – she saw stars alright!” In other words, after quarrelling with her over the TV, “he” beat her up and “she” is now out for the count.
- ✓ Dolce & Gabbana: black and white photo: in the foreground, a woman facing the camera, with a bare-chested man close behind her. The woman is wearing a black bra and knickers, and pushing the knickers down. The man is easing off a bra strap with one hand, and caressing her

<sup>33</sup> Minutes of the hearing, loc. cit., pp. 7ff.

<sup>34</sup> At present, Dutch language only.

<sup>35</sup> Minutes of the hearing, loc. cit., pp. 5ff.

<sup>36</sup> Advertisement dating from July 2004, see <http://www.lameute.fr/actualite/club-int.php3>.

breast with the other. Underneath, on a level with her genitals, a perfume bottle. The scene is unmistakably intimate - the prelude to a sex act.

Why show us this in a perfume advertisement?

This is a private, personal and intimate scene. Parading private scenes or gestures in public perverts the whole concept of the individual's relationship with his/her body and the bodies of others - and particularly the concept of intimacy. The image also suggests a dominant male/submissive female relationship.

This advertisement reflects a tendency to trivialise prostitution of the human (and particularly female) body.<sup>37</sup>

### VIII. What are the answers?

88. Advertising must attach due importance to human dignity, and that using any material which discriminates against women as a sales ploy is unacceptable.

89. There is no disguising the fact that very many countries still have a long way to go. The problem here is that neither policy-makers nor businessmen are genuinely resolved to improve the image of women in advertising and the media in general. The advertising multinationals are largely owned and run by men, and are still imposing their visions of women on people throughout Europe.

90. At a time when society is trying to refocus on responsibility, respect and human dignity, we need to press ahead with our efforts to eliminate discrimination, including discrimination in advertising, which plays a major part in transmitting sexist stereotypes.

91. We need a three-pronged approach: regulation, self-regulation and training to help people react critically to advertising.

92. First of all, the Council of Europe's member states must bring their national laws into line with basic human rights principles in this area, and with the United Nations Convention of 18 December 1971 on the Elimination of all Forms of Discrimination against Women. The EU states must implement the European Parliament's Resolution of 6 October 1997 on discrimination against women in advertising (A4-0258/97)<sup>38</sup>. In both the social and cultural fields, male and female behaviour patterns must embody no practices which reflect gender stereotyping or assume that one sex is inferior or superior to the other. Sexist advertising messages or images must be regarded as unacceptable.

93. Self-regulation is essential in this area, but the numerous advertisements which present stereotyped images of women and men, or exploit violence, are proof that this does not always work. National law should accordingly make incitement to discrimination in any advertising medium an offence. It should also be made easier for associations which combat gender-based discrimination or violence to monitor advertising and bring civil proceedings - since they are protecting the community, their interest in so doing should be recognised.

94. Advertising professionals must also realise that they have a social duty to help change attitudes in a positive sense, and take that duty more seriously. Their self-regulating machinery should thus be strengthened. First of all, national codes of ethics should be brought up to date and made clearer, to prevent the dissemination of advertisements which embody sexist stereotypes or threaten the dignity of women or men. Consumers (women and men) should be appointed to national advertising standards authorities, to make them more representative of the public. Secondly, since measures introduced by those authorities are not always respected (Mr Teyssier reports that, in France, only 70% of the BVP's recommendations on offensive advertising are followed<sup>39</sup>), their decisions should be backed by sanctions.

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<sup>37</sup> <http://www.lameute.fr/publicites/pubcomm/pubs/dolce.html>>

<sup>38</sup> OJEC No. 304 of 6 October 1997, p. 0060.

<sup>39</sup> Minutes of the hearing, loc. cit., p. 13.

95. Member states should do more to make the public think about advertisements. Ms Alexandre says that the public know little about the procedure for complaining to the regulating authorities<sup>40</sup>, and so information campaigns should be organised to put this right. At the hearing, many experts also said that the public should be taught to analyse advertising and become more critical. At a time when digital images are becoming increasingly realistic, and there is growing confusion between the world we live in and the world we see in advertisements, Mr Tisseron suggests that there should be special programmes to give children the guidance they need to tell the two apart<sup>41</sup>.

96. At the same time, advertising professionals should themselves be made more aware of the negative effects on the public of advertisements which embody sexist stereotypes or carry violent messages.<sup>42</sup>

97. In fact, since advertising serves commercial interests and its language is the language of seduction, advertisers have a real duty to monitor its content and are answerable for the public's reactions to it. They should thus be trained to respect equality of the sexes and, more generally, avoid discrimination – and this training should be provided in the schools where they learn their trade.

98. Like Spain, with its “Creating Equality” award<sup>43</sup>, all the Council of Europe's member states should have prizes - one awarded by advertising professionals to their peers, the other by the public - for the advertisements which break most effectively with sexist stereotypes. These awards already exist in certain countries (usually unofficially), and they help to give advertisers a better image by encouraging those who, far from peddling the old macho clichés, show women, men and female-male relationships in a positive light.

99. Finally, a thorough study of the image of men and women should be carried out at European level, in response to the social need to prevent violence and curb discrimination. In fact, the lack of specific research on advertisers' portrayal of women is one of the chief obstacles to ongoing, effective analysis. In the rapporteur's view, all the groups concerned - advertising professionals (advertisers, advertising agencies, the press, television, billboard companies), civil society (women's associations, consumer associations, etc.) and regulating agencies - should all be asked to join in preparing this study.

100. With a view to protecting human rights and implementing the principle of non-discrimination more fully, the resulting report would contain practical proposals on ways of regulating relations between the various players more effectively and making them more aware of the issues, if necessary by updating existing laws and regulations. On this basis, guidelines on the representation of women and men in advertising would be drawn up. The International Code of Advertising Practice is couched in over-general terms, and so a European code, indicating precisely what is meant by advertising which is degrading to women or men, or discriminates against them, would be useful. These guidelines should help the professionals who plan advertising campaigns to present positive images of men and women, and eliminate all forms of gender-based discrimination.

101. In conclusion, it is proposed that the Assembly adopt a resolution aiming at the adoption of legal, ethical and educational measures applying to advertising, and also a recommendation on the preparation of an in-depth European study on the image of women and men in advertising, as well as a European good conduct code, in accordance with the appended draft.

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<sup>40</sup> Minutes of the hearing, loc. cit., p. 5.

<sup>41</sup> Minutes of the hearing, loc. cit., pp. 3-6.

<sup>42</sup> Minutes of the hearing, loc. cit., pp. 6 and 9.

<sup>43</sup> The “Creating Equality” award, funded by the State Secretariat for Communication in co-operation with the Institute for Women. See minutes of the hearing, loc. cit., p. 7.

*Reporting committee:* Committee on Equal Opportunities for Women and Men

*Reference to Committee:* Doc 10668, reference N°3139 of 3 October 2005

*Draft recommendation and draft resolution unanimously adopted by the Committee on 11 May 2007*

Members of the Committee: Mrs Gülsün **Bilgehan** (Chairperson), Mrs Anna Čurdová (1<sup>st</sup> Vice-Chairperson), Mrs Svetlana Smirnova (2<sup>nd</sup> Vice-Chairperson), Mr José **Mendes Bota** (3<sup>rd</sup> Vice-Chairperson), Mrs Željka Antunović, Mrs Aneliya Atanasova, Mr John Austin, Mr Denis Badré, Ms Marieluise Beck, Mrs Oksana Bilozir, Mrs Raisa Bohatyryova (alternate: Mr **Popescu**), Mrs Olena Bondarenko, Mrs Mimount Bousakla, Mr Paul Bradford, Ms Sanja Čeković, Mrs Ingrida **Circene**, Mr James Clappison (alternate: Mr **Gray**), Mrs Minodora Cliveti (alternate: Ms **Găleteanu**), Mr Cosidó Gutiérrez (alternate: Mr **Fernandez Aguilar**), Ms Diana Çuli, Mr Ivica Dačić, Mr Marcello Dell'utri, Mr José Luiz Del Roio, Mrs Lydie Err, Mrs Catherine Fautrier, Mrs Maria Emelina Fernández Soriano, Ms Sonia Fertuzinhos, Mrs Margrét Frímannsdóttir, Mr Piotr Gadzinowski, Mrs Alena Gajdůšková, Mr Pierre Goldberg, Mrs Claude Greff, Mr Attila Gruber, Mrs Carina **Hägg**, Mr Poul-Henrik Hedeboe, Mr Ilie Ilașcu (alternate: Mr **Ungureanu**), Mrs Halide Incekara, Mrs Eleonora Katseli (alternate: Ms **Damanaki**), Mr Marek Kawa, Mrs Angela Leahu, Mr Dariusz Lipinski, Mr Arthur Loepfe (alternate: Mr **Dupraz**), Ms Assunta Meloni, Mrs Danguté Mikutienė, Mrs Ilinka Mitreva, Mr Burkhardt Müller-Sönksen, Mrs Christine Muttonen, Mrs Hermine Naghdalyan, Mr Kent Olsson, Mrs Vera Oskina, Mr Ibrahim Özal, Ms Elsa Papadimitriou, Mr Jaroslav Paška, Mrs Fatma Pehlivan, Mrs Maria Agostina Pellegatta, Mrs Antigoni Pericleous-Papadopoulos, Mr Leo Platvoet, Mrs Majda Potrata, Mr Jeffrey Pullicino Orlando, Mrs Marlene Rupperecht, Mrs Klára Sándor, Mr Arto Satonen, Mr Giannicola Sinisi, Mrs Darinka Stantcheva, Mrs Ruth-Gaby Vermot-Mangold, Mrs Betty Williams, Mrs Jenny Willott, Mr Gert Winkelmeier, Ms Karin S. Woldseth, Mrs Gisela Wurm.

N.B. The names of the members who took part in the meeting are printed **in bold**

*Head of the Secretariat:* Ms Kleinsorge

*Secretaries to the Committee:* Ms Affholder, Ms Devaux, Mr Diallo