

CSA
Conseil Supérieur de l'Audiovisuel de la
Fédération Wallonie-Bruxelles

CODE OF CONDUCT ON SEXIST, HYPERSEXUALISED AND GENDER-STEREOTYPED
COMMERCIAL COMMUNICATIONS
for audiovisual media services providers (AVMS),
under the jurisdiction of the French Community of Belgium.

DESCRIPTION

Article 1– General definitions

In this Code, the following definitions apply:

- **Social Gender assignment:** The process of defining a person's tasks, role, behaviours, capacities or function and work activity in terms of the gender with which they are associated, and more specifically, expecting them to conform to social expectations. These assignments are based on what is socially expected depending on whether the person is perceived as male or female, without considering the multiple existing gender identities.

- **Commercial communication:** As defined in article 5.1-1,1° of the decree of 4 February 2021 on audiovisual media and video-sharing services, hereinafter referred to as the "AVMS-VSS decree".

Art. 5.1-1. "1° "Commercial Communication": any form of message that is designed to promote or sell, directly or indirectly, the goods, services or image of a natural or legal person that is performing an economic activity. These messages are inserted in an audiovisual media service or in a video-sharing service by means of payment or other consideration, or for self-promotional purposes. Commercial communication includes interactive commercial communication, split screen commercial communication, targeted advertising, virtual advertising, sponsorship, teleshopping, self-promotion and product placement".

- **Gender:** A term for the socially constructed roles, behaviours, activities, and attributions that a given society considers appropriate for women and men.

- **Hypersexualisation:** A process that involves conferring a sexual character to a person's physical appearance and/or behaviour by excessively attributing sexual or erotic characteristics to it. Hypersexualisation results from the presence of one or more of the characteristics belonging to one or more of the following categories:

- I. partial or total nudity, the presence of physical contact with sexual connotations, sexually suggestive body postures, attention focused on sexual body parts or on exaggeratedly eroticised body parts;

- II. the presence of comments that explicitly or implicitly refer to sexuality or to the sexual dimension of the body;

- III. the presence of aesthetic attributes of femininity (make-up, high heels...) out of step with the age of the represented minors.

The degree to which a portrayal is hypersexualised is directly related to the intensity and/or combination of one or more of the sexualising characteristics listed above. In the context of representations of minors, the mere presence of any of these characteristics, regardless of the category, is an indication of hypersexualisation.

- **Intersectionality:** A process that is part of a relationship of domination, whereby an individual is subjected to multiple and simultaneous forms of discrimination based on several characteristics of her/his identity (gender, nationality, alleged race, skin colour, ancestry or national origin, ethnicity, age, sexual orientation, religious or philosophical belief, disability, sex, marital status, birth, wealth, political conviction, language, state of health, physical or genetic characteristics, social origin, etc.). The combination of these characteristics cannot be understood as an addition of several forms of discrimination but gives rise to a specific and amplified experience of discrimination.
- **Objectification:** The process of reducing a person to a body that can be viewed, evaluated and used by others. The objectified person is thus dehumanized in the sense that s/he is reduced to her/his appearance and her/his utilitarian and/or sexual functions to the detriment of her/his personality traits. Objectification occurs when the body is materialized as an object, when the body assumes the function of an object, or when attention is unjustifiably and irrelevantly focused on the body and/or the utilitarian and/or sexual functions of the body (a representation that focuses attention on the body and/or the sexual functions of the body in the absence of an explicit and relevant link between this process and the advertised item).
- **Ideal body appearance:** Representation of the body based on aesthetic characteristics corresponding to a stereotyped and unique model defined as an unattainable ideal standard of beauty. The characteristics of the idealized body vary according to the socio-cultural context or the temporality.
- **Gender:** Sex refers to the biological differences between women and men (Council of Europe).
- **Sexism:** Any act, gesture, portrayal, oral or written statement, practice, or behaviour that is based on the idea that a person or group of persons is inferior because of their sex, committed in the public or private sphere, online or offline, with the purpose or effect of:
 - I. violating the dignity or inherent rights of any individual or group of persons; or
 - II. resulting in damage or injury to any person or group of persons, or in suffering of a physical, sexual, psychological, or socio-economic nature; or
 - III. creating an intimidating, hostile, degrading, humiliating or offensive environment; or
 - IV. impeding the emancipation and full realisation of the human rights of any person or group of persons; or
 - V. maintaining and reinforcing gender stereotypes.

Sexism notably manifests itself through objectification, hypersexualisation or the reproduction and repetition of gender stereotypes, as specified in the Council of Europe Recommendation: "Preventing and Combating Sexism" (CM/Rec (2019) II.C. Media, advertising and other communication products and services":

Sexism in the media – electronic, print, visual and audio – contributes to an environment that tolerates and trivialises "everyday" sexism. It is manifested through: – sexual, sexualised and racialised depictions and objectification of women, men, girls and boys, including in advertising (...) imaging women and men in stereotypical roles within the family and community; – reproducing and perpetuating gender stereotypes with respect to victims of gender-based violence (...)" (Council of Europe).

- **Stereotypes:** Shared beliefs about the personal characteristics, usually personality traits but often behaviours, of a group of people. On the other hand, the process of stereotyping individuals consists of applying a judgement - stereotypical - that makes these individuals interchangeable with other members of the group.
- **Sexist stereotype:** Any derogatory or biased presentation (language, attitude, or representation) of a person based on the gender with which s/he is associated, tending to attribute particular and reductive roles, behaviours, characteristics, attributes, or products to people based on their gender, without regard to their individuality. Bias and disparagement can be explicit or implicit.
- **Gender stereotype:** Any pejorative or biased presentation (language, attitude, or representation) of a person that leads to the arbitrary assignment of personal characteristics, personality traits and behaviours based on gender. In addition to the fact that gender stereotypes promote a form of essentialization linked to sex, they do not consider the multiple existing gender identities.
- **Physical violence:** A type of violence where a person (or group of people) uses part of their body or an object to hurt someone else, or to take control of a victim.
- **Psychological and emotional violence:** A type of violence, where a person (or group of people) intentionally uses coercion and threats leading to fear, enabling them to gain control over another person or group of people.
- **Sexual violence:** Sexual violence is any sexual act committed against the will of another person, either when this person does not give consent or when consent cannot be given because the person is a child, has a mental disability, or is severely intoxicated or unconscious as a result of alcohol or drugs. (UN-Women).
- **Verbal violence:** Personal harm, such as criticism (in private or in public), mockery, particularly hurtful insults, blaming loved ones, threatening other forms of violence against the victim or a loved one.
- **Economic violence:** Economic violence involves making or attempting to make a person financially dependent by maintaining total control over financial resources, withholding access to money, and/or forbidding attendance at school or employment: A type of violence that involves making (or attempting to make) a person financially dependent by maintaining total control over their financial resources, denying access to money and/or prohibiting them from attending school or working (UN-Women)
- **Violence against women:** "violence against women" is understood as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Council of Europe Convention on preventing and combating violence against women and domestic violence).
- **Gender-based violence against women:** shall mean violence that is directed against a woman because she is a woman or that affects women disproportionately (Council of Europe Convention on preventing and combating violence against women and domestic violence).
- **Domestic violence:** shall mean all acts of physical, sexual, psychological or economic violence

that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim (Council of Europe Convention on preventing and combating violence against women and domestic violence).

Article 2 – Scope of application

This Code addresses sexist hypersexualised and gender-stereotyped commercial communications. It is intended for all AVMS providers of publishers of linear and non-linear audiovisual media services (AVMS) within the French Community of Belgium.

Article 3 – Discrimination, hatred or violence based on gender or similar criteria; violence against women and/or domestic violence. Representation of relations of violence and/or domination between genders.

In addition to their obligations under article 2.4-1 of the AVMS-VSS decree, AVMS providers undertake not to disseminate commercial communications:

- Representing sex- and gender-based violence.
- Including content that trivializes violence.
- Including content that explicitly states or suggests that one person is inferior to another because of their sex, gender, origin, membership in a social group, sexual orientation, age, or body type.
 - Content in which a person would be unnecessarily represented as a weak or inferior being with respect to another sex or another gender.
 - Content in which a person would be represented in a situation of financial, physical or psychological dependence towards another sex or another gender.

This provision does not apply to commercial communications aimed at combating violence.

Article 4 – Objectification of the body and hypersexualisation

AVMS providers undertake not to distribute commercial communications that include content that serves to objectify the body and/or depict it in an exaggeratedly sexualised manner, notably:

- Content in which an individual's body, while presenting sexual or erotic signs in a sustained or exaggerated way, occupies only a decorative function and without it being able to establish a link with the product or its characteristics.
- Content in which nudity is represented in a degrading and/or demeaning manner.
- Content in which the individual is represented as a sexual object or a commodity.
- Content that objectifies a body by fragmenting it (absence of face). Only one or parts of a sexualised body are represented.
- Content objectifying the individual through words, attitudes, postures that reduce it only to its sexual dimension.

Article 5 - The ideal and standard body image

AVMS providers agree not to disseminate commercial communications that involve excesses in ideal and standard representation of the body, including:

- Contents promoting hazardous conduct for the health or conduct that is likely to damage the physical, moral, and mental well-being of the individuals to reach aesthetic standards.
- Content that brings a person into contempt or disrepute because of her/his physical characteristics.
- Contents that explicitly state that changes in a person's body, whether due to old age, disability, maternity, or illness, are to be avoided.

Article 6 - Gender assignment

AVMS providers undertake not to disseminate any commercial communications containing content that assigns a role to the characters based on the gender to which they belong and that generates a logic of hierarchy between the genres, exclusion, or denigration, and notably:

- Content that explicitly states or suggests that the professional function or hierarchical position held by the character is determined by the gender with which s/he is associated, to the exclusion of other genders.
- Content featuring a character who does not conform to the expectations traditionally associated with the gender with which s/he is associated and is denigrated or belittled for it.
- Content that devalues the intellectual, physical, or social skills of the individual according to the gender with which s/he is associated, to the exclusion of other genders.
- Content that explicitly states or suggests that the character's parental role as defined in the commercial communication is dependent on the gender with which the character is associated, to the exclusion of other genders.
- Content that explicitly states or suggests that the responsibility for household chores is assigned to a particular gender, to the exclusion of other genders.
- Content that explicitly states or suggests that a person's social, cognitive, intellectual, or emotional abilities are dependent on the gender with which s/he is associated, to the exclusion of other genders.

Article 7 - Commercial communications and minors

AVMS providers agree, in addition to their obligations under Section 5.2-3 of the AVMS-VSS, not to disseminate commercial communications that meet one or more of the following characteristics:

- Conveying content that hypersexualizes minors.
- Presenting minors in "risky" behaviours likely to be imitated, such as telling them to deprive themselves of food to meet aesthetic standards.
- Promoting behaviour that is hazardous to the health of minors or behaviour that is likely to harm the physical, moral, or mental well-being of minors to achieve aesthetic standards.
- Conveying content that explicitly states or suggests that a product or activity for children is inappropriate for the gender with which the child is associated.
- Conveying content that explicitly states or suggests that certain toys are inappropriate for one gender as opposed to others.
- Conveying content that explicitly states or suggests that specific physical characteristics will give the child a physical, social, psychological, or health advantage over other children of her/his age.

Article 8 – Self-promotion, jingles and audiovisual dressing-

AVMS providers are encouraged to produce and distribute self-promotions, jingles, and on-air graphics having the following characteristics:

- Conveying various representations of bodies, notably involving diversity of origins, generation, situation (handicap, disease, pregnancy...), styles and aesthetic attributes, genders (trans people, non-binary...).
- Conveying positive representations of changes in a person's body, whether they are due to disability, old age, or pregnancy.
- Conveying representations of bodies that reflect realistic, authentic, and accessible aesthetic characteristics.
- Conveying varied and balanced representations in terms of roles (professional, parental, family, social...) as well as social, cognitive, intellectual skills.
- Representing characters with several characteristics of their identity that are likely to generate discrimination, in actions and positions of that are positive in nature.
- Visibility of LGBTQIA+ people.
- Conveying various representations in terms of gender identity.
- Conveying diversified representations of family models.
- Representing people in balanced relationships, in a cooperative situation.
- Deconstructing gender assignments.
- Deconstructing the weight of multiple forms of discrimination.
- Deconstructing calls to conform to standardised aesthetic criteria.

Article 9 - Analysis of commercial communications

§ 1. AVMS providers undertake to review commercial communications that are proposed to them for broadcast to determine whether they violate the requirements against sexist, hypersexualised or gender-stereotyped commercial communications as defined in this Code. They also examine their self-promotional practices, jingles and audiovisual dressing considering the practices encouraged in article 8.

§ 2. The provider will conduct an annual assessment of the results of this action. It will transmit the assessment results to the CSA and will discuss them during the Monitoring Committee.

AVMS providers lacking the resources needed to produce an annual written assessment may contribute by providing input to the Monitoring Committee.

Article 10 - Appointment of a "Gender and Commercial Communication" officer

AVMS providers shall designate, either within their companies and/or within an organisation that represents them collectively, a *Gender and Commercial Communication* officer for the implementation of this Code of Conduct.

Article 11 - Monitoring Committee

§ 1. A monitoring committee is set up for a period of five years from the adoption of this Code of Conduct. It meets at least once a year.

It includes representatives of the CSA and the "Gender and Commercial Communication" officers of the AVMS providers (art. 10). It may be assisted by experts, notably the *Institut pour l'Egalité des Femmes et des Hommes* (Institute for the Equality of Women and Men).

§ 2. The mission of the monitoring

committee is to:

- I. define the methodology for the analysis of the commercial communications listed in article 9;
- II. serve as a forum for discussion on the implementation of the provisions of this Code of Conduct and any possibly identified difficulties;
- III. provide with examples of best practices so that they can make every effort to combat sexist, hypersexualised and gender-stereotyped commercial communications;
- IV. evaluate the effects of the Code's implementation.

The Monitoring Committee will be the forum in which members have the opportunity to voice their opinions on these issues. This mechanism is an appropriate way to solve them, by promoting exchange.

Article 12 – Training and practical guide

§ 1. The CSA will develop - subject to the availability of adequate resources - a dynamic and open-ended practical guide, intended to identify and explain problematic situations or representations in terms of sexism, hypersexualisation, or gender stereotypes. The practical guide, prepared in consultation with experts, advertisers and providers, will be used as a support for the training courses proposed by the CSA.

§ 2. The CSA will provide training for the people responsible for the implementation of this practical guide, for gender and commercial communication officers, for the staff of advertising agencies, and - on a voluntary basis - for advertisers and agencies. These training courses will be intended to provide information about hypersexualised and gender-stereotyped representations in commercial communications, and to deconstruct the stereotyped representations conveyed in commercial communications. They consist of targeted professional training courses, that do not replace initial training and the media education initiative.

CSA, Conseil Supérieur de l'Audiovisuel
14 July 2022