

Written submission to

The Women and Equalities Select Committee Call for Evidence in respect of the Government response to Reform of the Gender Recognition Act

Submitted by Jane Fae for Trans Media Watch, 26 November 2020

Summary

- Our thanks to the Committee for inviting contributions on this key subject .
- Trans Media Watch is the premier organisation focused on how news stories concerning trans and intersex people and issues are reported. As such, we will in this response focus exclusively on the media and the ways in which a concerted campaign of disinformation may have directly influenced government decision-making in this area.
- We begin with an extended section on media tropes and issues with the media we have identified over the last few years. These are not directly relevant to the GRA: but we feel this provides necessary context within which to understand the more targeted press response that subsequently took place.
- Overall coverage of trans-related stories has increased nearly fourfold over the last three years. It has also signalled a more implicitly hostile approach to trans people, with newspapers regularly demonising trans individuals while simultaneously refusing to report accurately on or acknowledge their experiences.
- Trans people are represented as pursuing an ideology, though critics, apparently, are not. Reporting is frequently selective and/or biased. At the same time, the culture of “balance” leads to regular “debates” in which the rights or even existence of trans people is balanced against unsubstantiated “concerns”. This mirrors the pattern observed around the passage of the Marriage (Same Sex Couples) Act in 2012 when, rather than debating the merits of the proposed legislation and ways in which it fell short, gay people were usually expected to defend their very existence.
- Of particular concern during this period have been the Times, the Guardian and the BBC: the latter made a series of poor judgement calls earlier this year, after which we finally came to consider it institutionally transphobic.
- Press coverage during the GRA consultation period followed a similar pattern. In the run-up to the consultation deadline, an overwhelming majority (both by number of articles and readership) declared themselves “against” – as though this were some sort of mini-referendum.
- In the process, they made free use of all of the above tropes: attacks were not limited to the GRA reform proposals but increasingly concentrated on demonising the trans community and trans people en masse.
- The end result has been devastating for trans people in the UK. Physical attacks have increased substantially and many, many people are now fearful to the point of disengaging from public life. There has been a significant impact on trans mental health and well-being in this period.
- The UK government is, in the end, responsible for this. We are hoping that in some small way this Committee can make matters better.

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Introduction and Perspective

1. We would like to thank the Select Committee for seeking evidence on an issue of significant concern to the trans community, and this evidence is hereby submitted on behalf of Trans Media Watch.
2. Trans Media Watch is a charity dedicated to improving media coverage of trans and intersex issues. We are the premier group working in this area, being one of the few LGBT organisations dedicated to working with the press. We made consistent interventions in respect of policy over the last decade.
3. In that time, we have contributed to the Leveson Inquiry, this Committee's inquiry into the issues facing trans people in 2015 and a 2017 inquiry into No Platforming by the Joint Parliamentary Committee on Human Rights. We have also engaged with consultations with the Law Commission on Online Harm and worked with the press regulator, IPSO, when that organisation looked into reporting on press coverage of issues relating to trans people. We have also worked with Ofcom, the BBC, the BBFC and the Advertising Standards Authority.
4. In this submission, we would like to focus on the press background to events of the past three years in respect of reform of the Gender Recognition Act (GRA).
5. While the press and wider media do not directly determine the outcome of legislation, they can be highly influential in setting a public agenda and creating a backdrop against which matters are considered.
6. In this case, our concern is that a barrage of what appeared to be deliberate misinformation and alarmist reporting by the main British media contributed significantly to a backlash against what were very modest proposals to address significant shortcomings in the existing legislation and process.
7. As a direct result, all discussion of reform was turned into a highly selective discussion of the possible evils that might stem from any reform, even where there was little to no evidence that such evils might be a consequence.
8. In our submission, therefore, we will begin by looking at the media coverage overall, highlighting some of the more general press tropes at work. We will then relate these to reporting on the GRA reform process, highlighting how a significant part of the British media set out to block GRA reform. This is worthy of separate investigation as we believe the media have, without basis, significantly impacted on both the manner of debate and the subsequent decision by inflating the opposition to reform.
9. As part of this, we set out serious concerns we have about how the BBC has dealt with issues as they relate to trans people. We will provide evidence for anti-trans organising within middle and senior tiers of BBC management, selective editing of trans-related articles to foreground anti-trans points of view, and a complaints procedure that we do not consider fit for purpose.

Media trends

Overall Coverage

10. According to corpus analysis of media coverage carried out in late 2019 by Professor Paul Baker, of Lancaster University, the British press has increased its coverage of stories about trans people over the last 6 years, writing roughly three and a half times as many articles in 2018 and 2019 compared to 2012. (qv. Appendix I). The full report is available at:

<http://cass.lancs.ac.uk/representing-trans-people-in-the-uk-press-a-follow-up-study-professor-paul-baker/>

11. While all newspapers wrote more articles, this is most marked in The Guardian and Mirror.
12. This work is supported by a more limited exercise carried out by TL Uglow ('Tea'), Creative Director for Google's Creative Lab in Sydney. On a basic search for trans-related articles in 2019, she found some 878 articles in 365 days. (qv. Appendix II)

<https://teau.me/fourth-estate>

Demonisation

13. Our own experience and the Baker study both show negative attitudes being fostered by press.
14. There has been a significant shift in this period in terms of language used: a decade ago, coverage of trans people was frequently couched in “freak show” or “sexualised” language. This has shifted markedly to demonisation. (qv. Appendix III and IV).
15. This we summarised in our submission to the Leveson Inquiry at the start of 2012 as a tendency by the UK media to characterise trans people as “fraudulent”, “undeserving” and “deviant and deserving of parody”
16. This is marked by portraying trans people as quick to take offence or as causing offence to others. In 2017/19, such framing occurred 308 times with transgender and 278 times with trans: in 2012, these words only occurred 8 times with transgender/trans.
17. The Baker study concludes: “The picture suggests that the conservative press and most of the tabloids have shifted from an openly hostile and ridiculing stance on trans people towards a carefully worded but still very negative stance.”

Divide and rule

18. Most media are keen to portray themselves as not openly biased against trans people: they are just seeking to introduce “balance” into a vexed debate. They achieve this in large part by creating a fictive divide between the “good” and “bad” trans and then reserving their scorn for the latter.
19. In this respect, we regularly find press reference to “trans ideology” (if it exists at all, a community desire for fair treatment and adequate healthcare and support) and “Trans Rights Activists” or TRA’s (by and large presumed to be bad).
20. It is not clear who the TRA’s are: presumably Trans Media Watch must be included in this category, though in light of our history and our status as a registered charity we would hope that

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our commitment to the public good would be clear.

21. While TRA's are "ideological and pursuing a trans ideology", similar consideration of why anti-trans campaigners act as they do, or the fact that those opposed to trans people having a space within society do so by and large from the perspective of a very particular ideology, is absent.
22. Indeed, in respect of groups whose sole existence may be little more than a Twitter account or hashtag, the media very often perform the reverse manoeuvre, referring to their utterances as "women's views": technically true, but omitting the crucial qualifier, "some".
23. While we do not expect the media or wider society to be aware of this, "TRA" is very much a slur term coined by anti-trans activists, and designed to evoke "MRA's" or "Men's Rights Activists" which, within a feminist context, is a slur designed to trivialise trans concerns.
24. A very specific and damaging instance of this trend occurred in May 2019, when the Times Educational Supplement commissioned a trans individual whose views lie well outside the community consensus and are in conflict with most established research on trans matters to write a piece on best practice in schools. This piece also included content from an organisation widely regarded as transphobic.

<https://www.attitude.co.uk/article/columnist-for-education-news-magazine-tes-has-resigned-following-coverage-of-transgender-issues/20949/>

Excluded from our own narrative

25. In 2019, Trans Media Watch developed a methodology intended to act as an objective tool to measure transphobic content in mainstream media. One unexpected result of this, in relation to the first newspaper to which we applied this tool (the Sun) was the finding that over a 15-month period, stories hostile to trans people included pro-trans comment around 50% of the time, anti-trans comment 75% of the time.
26. However, within the body of over 120 hostile stories, just 6 (5%) included comment from trans people.
27. One effect of this is that very often, well-meaning allies end up providing wholly inaccurate justifications for why trans people might hold particular views on subjects.

Over-inclusion in negative narrative

28. A corollary to this is that the trans community is all too often blamed for initiatives that for the most part we have not sought. For instance:
 - a) Almost all changes to uniform, from school to RAF, tend at some point to be wrongly attributed to trans demands. This is, however, just wrong:
<https://www.independent.co.uk/voices/gender-neutral-uniform-transgender-lgbt-wales-schools-british-airways-a9004056.html>
 - b) Actors condemning J K Rowling mostly did so of their own accord: this was not some grand organised scheme by the trans community.
 - c) Recent removal of content voiced by journalist Helen Lewis from an Ubisoft game, for alleged transphobia, was a decision taken, as far as we are aware, entirely by Ubisoft

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without any lobbying from trans groups.

d) Changes to toilet access at the Barbican and South Bank.

29. This colliding together of the actions of well-meaning allies with those of trans people is one of the reasons why the press caricature trans communities as silencing.

Disbelief: Trans Concerns Belittled and Dismissed

30. According to the Baker study: “approximately half (47%) of references to transphobia in the press raise questions about its validity. This is done in a range of ways – from use of distancing quotes around transphobia, referring to “supposed” or “alleged” transphobia, referring to the way that the accusers behave: e.g. “howled down as transphobia” or simply baldly stating that something is not transphobia.”
31. Over the last couple of years we have seen attempts in some publications, most notably the Times and Mail, to re-introduce language (describing trans women as “trans-identifying men”, for instance) that is both disrespectful and profoundly upsetting.
32. This is part of a wider debate as to whether minority groups get to set the terms of their own oppression: or whether they must allow it to be determined by those they consider to be oppressors.
33. It closely mirrors attempts by some media to reject allegations of racism made by Black Lives Matter campaigners, or allegations of anti-semitism made by Jewish people, attempting, instead, to replace these with their own watered down versions of racism or anti-semitism.
34. For instance, a serious issue within the trans community, as evidenced by numerous studies over the years, is not just suicide but also poorer, shorter life outcomes for individuals prevented from transitioning, yet the very mention of suicide is now frequently derided, in the Times and elsewhere, as “weaponising suicide”.
35. Trans people do not, generally, just scatter accusations of “transphobia” around the place. Rather, we will call out both direct instances of this, as well as the various behaviours and practices that we know, from experience, lead to discrimination and abuse.
36. A good explanation of an increasingly accepted view of transphobia is provided by TransActual:

<https://www.transactual.org.uk/transphobia>

37. At the same time, there is strong evidence that hate crime against trans people has grown exponentially over the past few years. According to the BBC, there has been a quadrupling of transphobic hate crime reports over the last five years.

38. If anything, this is getting worse, as continued this year as reported by LGBT+ anti-violence charity, GALOP, in October 2020. Commenting on the latest Home Office figures, it states:

“overall, reported hate crime has grown by 8%, while hate crimes against LGB people have risen 19% in the same period, and transphobic hate crimes grew by 16%”

<http://www.galop.org.uk/galops-statement-on-hate-crime-statistics-in-october-2020/>

Selective reporting

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39. Even where the press (and broadcast media) report trans-related stories that might be considered genuinely newsworthy (in the public interest as opposed to merely of interest to the public), there is significant skew introduced by the framing of the story, the language used, the positioning of actors within the story.
40. How the press misreports the news while pretending to some higher level of objectivity is a story in and of itself. A couple of examples illustrate this point:
- a) In Torquay, some trans individuals complained that an anti-trans activist had been putting up stickers in the town centre that purported to be by/on behalf trans people and contained the inflammatory claim that trans people believe “genital preferences are transphobic”. This was reported with relative accuracy in DevonLive (though even that outlet managed to include comment from an anti-trans group and no comment from any trans individuals.

<https://www.devonlive.com/news/devon-news/hate-transgender-stickers-appearing-torquay-4438711>

However, the corresponding Mirror write-up positioned this as a story about an innocent mum being intimidated by political correctness gone mad and, crucially, omitted reference to the content most likely to have led to a complaint from trans people.

<https://www.mirror.co.uk/news/uk-news/mum-hate-crime-probe-after-22563314>

- b) A second example is that of Verity Smith pictured in the Times in October 2019 under the heading “Injury fears over rugby’s trans women drives referees off the pitch”. It seems clear that the image depicting Verity as a “big burly man” was selected in order to sensationalise and make a point, with the viewer invited to draw the entirely misleading conclusion that Verity is a trans woman.

In fact:

- Verity is a trans man, and was very unhappy to find the image used without his permission in this way;
- the Times failed to spot a rather less threatening trans woman, who also plays for the team in question and is in the background in the picture featured;
- if the Times campaign succeeds it is more, not less, likely that trans guys such as Verity will be playing women’s rugby.

<https://www.pinknews.co.uk/2019/10/01/sunday-times-photo-trans-man-witch-hunt-women-rugby/>

Balance

41. It may seem contrary to object to “balance”; however, we have seen how a spurious balance can be used to direct opinion. Two issues arise from this:
- a) All too often, “balance” is achieved by the creation of a false dichotomy: feminists/women vs. trans people. A more accurate balance would be trans-supporting women vs. trans-hostile women, which would also help eliminate the problem of implying that “all” women are concerned by an issue that only excites a small minority.

Indeed, a recent Fawcett Society study found that most women support trans equality.

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<https://www.fawcettsociety.org.uk/news/fawcett-publishes-qa-on-sex-gender-and-gender-identity>

Meanwhile, in November 2019, IPSO itself agreed that those opposed to GRA reform could not be described as constituting a majority of women.

<https://www.pinknews.co.uk/2019/11/25/ipso-the-herald-trans-complaint-gordon-cowan-gender-recognition-act-scotland/>

- b) The gladiatorial nature of on-screen debate, in which an individual is allowed maybe two or three soundbite sentences to rebut sensational and/or inaccurate allegations about a complex topic, is the very antithesis of measured debate.

Imagine, for one moment, proceedings in the UK parliament reduced to such terms!

Imperfect complaints system

42. Trans Media Watch provided extensive evidence to the Leveson Inquiry in which we documented concerns in respect of the systems and processes for complaining about press content. These worked for the most part as a safety valve for newspapers, shielding them from libel cases in respect of individuals but providing little or no protection for minorities.
43. Were we to write and publish a slanderous allegation about Rupert Murdoch, he would have recourse to the courts and, if that allegation were published in a newspaper that subscribes to IPSO, to that body, where he might object to our writing about him on a number of grounds.
44. Were we to write in similar terms about a minority group without naming individuals, insofar as that writing does not cross a legal boundary into “hate” or “incitement”, we may write pretty much as we wish.
45. The sole restraint on this was clause 1 of the old PCC Editorial Code (now repurposed as clause 1 of the current IPSO code), which relates to accuracy: in the past, Trans Media Watch has made and had upheld complaints in respect of inaccuracy in stories.
46. This appears to be no longer the case. Over the past few years we have seen a number of complaints dismissed even though there is evidence that published content is inaccurate. In one instance, a press release on the part of an individual quoted, directly contradicted what had been written about them. However, IPSO rejected this complaint on the grounds that they would only accept a complaint on accuracy in this instance from the individual in question.
47. This has proven to be a significant limitation on any possibility of objecting to inaccuracy.
48. In a separate, very troubling ruling, IPSO rejected a complaint on the grounds that press reportage doesn’t need to be accurate, merely “accurate enough”. The implications of this for reporting of, say, remarks by MPs in future are of real concern.
49. A further concern is the way in which IPSO (and newspapers more generally) treat comment pieces. The last few years have seen an expansion of opinion across traditional and online media. In general, the response to any complaint about the content of such pieces has been to reject them on the grounds that individuals are entitled to opinions.
50. We would draw a distinction between opinions (“I believe Starmer/Johnson is the best leader for the UK today”) and falsehoods (“I believe the moon is made of green cheese”). Clearly, there must be room for the latter, particularly where the intent of a piece is satirical or comedic.

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51. However, we note that following the US election, news networks have been increasingly wary of reproducing presidential opinion on election ballot rigging without any supporting evidence. By contrast, this practice, of treating opinion as sacrosanct, continues to this day in the UK press, allowing a range of inaccurate, untrue and misleading myths to be fostered about the UK trans community.
52. This approach is now moving backwards into actual reporting. In response to one complaint that no-one actually spoke words quoted, IPSO now maintain that the press may invent quotes as long as the individual may have said something like it.

<https://www.ipso.co.uk/rulings-and-resolution-statements/ruling/?id=07454-18>

Stand-out Concerns

53. Over the past few years, we have had significant concerns in respect of certain UK papers. In particular:
 - a) The Guardian. Coverage of trans-related stories splits between relatively neutral and a comment section that is almost wholly hostile to trans rights. This led, in 2018, to the UK office of the Guardian being called out by its US outpost for its track record on transphobia.

“Why we take issue with the Guardian’s stance on trans rights in the UK”

<https://www.theguardian.com/commentisfree/2018/nov/02/guardian-editorial-response-transgender-rights-uk>

- b) The Times has provided incessant, almost exclusively negative coverage of trans-related issues over the past few years. This is present both in the volume of negative stories published and in comment pieces.
 - c) The Daily Mail and the Telegraph are less blatantly hostile; however, both have published a great deal that is ideologically hostile to trans people over the past few years.

The BBC

54. Over and above concerns about individual publishers, we have major concerns about the BBC. In 2015, Trans Media Watch presented concerns we had in respect of Woman’s Hour to this Committee. These concerns were reinforced and broadened some four years ago when Newsnight/Emily Maitlis falsely informed the British public, via Twitter, that a debate about transgender primary school kids concerned whether or not they should receive surgery. This, for a flagship news programme, was disgraceful, notwithstanding the subsequent retraction of that misinformation later in the programme.
55. We were unimpressed by the complaints process, which came across as nit-picking and defensive and more concerned with demonstrating that there were no issues, than with engaging and possibly learning from the experience. In the end, we withdrew our complaint, arguing that the BBC complaints process was unfit for purpose.
56. At the time, we were given assurances that our withdrawing of our complaint would not be treated as the complaint having been resolved in the BBC’s favour. However, in subsequent statements, this undertaking was ignored.
57. Since then, one of our trustees has been informed, when raising a complaint on a non trans-

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related matter, that it was acceptable for a news report to redefine terms and to claim an interpretation of events which were rejected by those who were the subject of those events, if it could be considered that the public would generally believe that untruth to be correct.

58. This feels like a complete contravention of the BBC's founding principles.
59. We were further concerned to discover that a group of senior journalists and producers within the BBC were organising in an attempt to overturn the use of widely-accepted respectful and inclusive language in reporting. Further details are available.
60. Of concern here is not just the overall attitude, but the significant disinformation being spread and, presumably, believed by certain members of BBC staff. For instance: "bear in mind that 80-95% of men who identify as transgender choose to keep their genitalia". This is simply wrong, and based on a wilful (?) misrepresentation of evidence submitted to this same committee by GIRES in 2015. However, it is of serious concern that journalists who may be tasked with reporting on trans issues may be reading and circulating much misinformation.
61. It is hard for BBC management to claim ignorance of this state of affairs, since we are aware that that memo was circulated internally and was brought to the attention of management.
62. Also, in 2018, BuzzFeed reported on concerns held by younger staff members about the transphobia displayed by more senior staff.

<https://www.buzzfeed.com/markdistefano/leaked-messages-reveal-how-female-bbc-staff-have-clashed>
63. Those concerns have only increased as we have seen comments shared publicly by some of these staff. While the behaviour of BBC employees in relation to their online discussions of the lives of the transgender community varies widely in tone, we have seen a number of senior employees displaying what appears to be significant bias against trans people and any idea that we might be deserving of rights. This includes, but is not limited to, the recent GRA consultation.
64. A small sample of their attitudes towards trans people is highlighted here: we are happy to discuss these and other cases with the BBC should they wish to do so.
65. On the 11th of August 2020 Employee A shared a link to an academic paper discussing the feasibility of uterine transplantation in transgender women and remarked "I think this is a really bad thing. The Nazis used to try and do this kind of experiment – taking body parts from a living person and trying to put them into someone else. But this is being done in the name of transgender rights." This is an odd view given the widespread and life-saving use of transplant technology today (e.g. kidney transplants where the donor is still living).
66. At another time, Employee B quote-tweeted a Twitter user sharing a BBC article discussing World Rugby's proposal to ban transgender women from women's contact rugby, opining that it would take 'real courage for BBC Sport to cover this from the perspective of 'women rugby players'.
67. A third senior member of BBC staff, Employee C declared in another tweet that it is 'extraordinary' that "one might be forced by law, or by a court, to use female pronouns for a male person". This individual also pinned a now-removed tweet which shared a meme stating that "biological sex matters" and that it "should be protected legally",
68. More recently, we expressed concern at:

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- a) Instances where the BBC cited significant stories involving anti-trans campaigners with trans views either absent or misrepresented, but,
- b) When Rt Hon Liz Truss MP appeared to be about to issue a very negative take on GRA reform, the LGBT groups in 8 of the 9 political parties represented in Westminster came out against her. This should have been a very simple news piece. However, senior managers, including, we suspect some of those identified as anti-trans, intervened to ensure it carried an anti-trans perspective.

This re-writing of a very basic article was contrary to best practice and highly unusual. We consider this strong evidence for a streak of institutional transphobia within the BBC.

- c) In addition, the last few months have seen:
 - the removal of links to trans-supportive websites on the BBC online site, apparently on the grounds that trans is a matter of debate
 - reports that BBC journalists would be dissuaded from attending events, such as LGBT Prides, because “trans is an issue”. Although this was later countermanded by the new Director-General, Tim Davie, there is no doubt that this guidance was given, initially, to many managers, and BBC Pride is still seeking confirmation of BBC intentions. It was subsequently reported that Tim Davie emailed all staff, that there would be no ban on people attending. However, the water is still muddy on how it affects news and current affairs staff.

Media impact on perception of GRA reform

Overall

69. We looked at the frequency of articles relating to Gender Recognition Act (GRA) reform before, during and subsequent to the GRA consultation period, which took place 3 Jul to 18 Oct 2018.
70. This was relatively quick and dirty: a snapshot using Google and categorising articles very simply according to whether they were
 - a) Hostile: clearly expressed a view that was against GRA reform and/or featured significant untruths in respect of what was being proposed
 - b) Positive: expressed a view in favour of reform of the GRA broadly in line with views expressed by the majority of trans organisations
 - c) Neutral: neither positive nor hostile, even if the content might be considered to show the trans community in a bad light.
71. Also applied was the definition of transphobia, already referenced at par 36.
72. We are sure that many of the titles cited here would object to our characterisation: we can only stress that it is our honest assessment of their output. Should they wish to debate the matter, we are always open to meeting to discuss our findings.
73. As methodology, this is not ideal.
74. We did not, for instance, tackle the issue of story selection. However, this adds fuel to the anti-trans cause, since many stories being told about trans people in a relatively “straight” manner focussed either on comment from trans hostile people or stories about individual trans bad actors: those convicted of criminal activity or otherwise likely to be viewed in a bad light.
75. This is by no means a new trend. In 2013, we cited in presentations to parliamentarians a headline: “Sex Change Passenger Doesn’t Pay Taxi Fare”. Far from getting better, this sort of story has become more prevalent.
76. Were we to re-categorise the neutral in respect of story selection, we would have significantly increased our estimate of Hostile/Negative coverage.
77. In terms of time period covered, we looked at approx. 9 months of data:
 - a) Pre-consultation: 1 April 2018 – 30 June 2018
 - b) Consultation: 1 July 2018 – 18 October 2018
 - c) Post-consultation: 19 October 2018 – 31 January 2019
78. During this period, we found a total of 379 stories and comment pieces that appear related to some degree to the consultation. As might be expected, a large proportion of these (47.5%) appeared during the period allotted for the consultation.
79. A very large proportion of the stories were negative or hostile. Over the entire period,

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favourable articles represented c. 14.5% of output, while unfavourable was c.31.1%

80. Within this, the proportion of hostile pieces increased sharply within the consultation period, even increasing afterwards (see Appendix V):

	Positive	Negative/Hostile
Pre	14.1%	23.5%
During	13.9%	29.4%
Post	15.8%	39.5%

81. The raw count of stories conceals an important point. Some 27 out of the total of 54 positive pieces (50%) - were produced for Pink News, the Independent/iNews, and other LGBT press. Many of the other positive ones were in small circulation and/or online media such as BuzzFeed, Vice and HuffPost. None of these are widely read.
82. We have pulled together an approximate weighting of the main press involved in this debate at Appendix VII. This suggests that on the basis of readership/circulation, the skew towards hostile coverage is far greater than that suggested here: roughly 3 to 1 against in online coverage; and a staggering 5.5 to 1 in print media. Even greater if one looks simply at national media.
83. By contrast, those publications where coverage of gender recognition reforms was skewed towards the hostile included, in descending order (Appendix VI):

The Spectator (100%)
Spiked (100%)
The New Statesman (100%)
The Telegraph (75%)
The Sun (60%)
The Times (57.1%)
The Guardian (48.4%)
The Daily Mail (36.4%)

84. This clearly represents a massive imbalance in coverage, and does not include the Economist (which we initially categorised as “Misc”), which produced a slew of negative pieces during this period.
85. In addition, so concerned is the Spectator over GRA reform that it published (8 November 2020) guidance to its readers on how they should respond to this inquiry:

- How to respond to the latest gender recognition inquiry

<https://www.spectator.co.uk/article/how-to-respond-to-the-latest-gender-recognition-inquiry>

86. For the most part, sample sizes involved in this study were too small for further breakdown. However, two further qualifications should be added:
- a) The Sun looks more hostile than it perhaps is. The 60% score arose from just 3 articles out of a total of 5 published in the reference period; by contrast, the slightly lower score for the Times comes from a total of 28 articles linked in some way to gender recognition in the same interval.

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- b) Across the entire period, the Guardian published 31 identifiably gender recognition related pieces, of which 15 (48.4%) overall were, in our view, hostile. However, there is a sharp break in its coverage pre-and post- consultation.
- in the period pre- and during the consultation process, 10 out of 17 pieces were negative (58.8%)
 - In the period post-consultation, this dropped to 5 out of 14 (35.7%), with positive coverage including a US piece calling out the London office for its transphobic attitudes.

Divide and rule: a toxic “balance”

87. Discussion of gender recognition reform was reduced in many instances to a simple dichotomy of women vs. trans. There was next to no reporting on what different groups of women thought about proposals.
88. For the most part, any consideration of how these changes might impact trans men was absent, even though one significant driver for concern over the medical requirement for obtaining a grc was the fact that this tends to adversely affect trans men more than it impacts trans women.

Excluded from our own narrative

89. The debate about GRA reform was framed almost entirely in terms of “concerns” over bad actors (men pretending to be trans women) and/or an existential debate as to what gender recognition meant in respect of the nature of women.
90. Almost entirely absent from the mainstream media was any consideration of why trans people might wish the GRA process improved, apart from a general implication that it was somehow linked to “trans ideology”.
91. For instance:
- Dozens of schools ban girls from wearing skirts in move towards gender neutral uniform policy

<https://www.mirror.co.uk/news/uk-news/dozens-schools-ban-girls-wearing-12829898>

According to the article: “The moves come as the Government sets out the rights of transgender people in the Gender Recognition Act, with a consultation set to be published on Tuesday.”

This trend has nothing to do with either the consultation or trans people. The Mirror would undoubtedly claim it did not say it was. But inserting that sentence plays a common UK press game of implying by association.

92. Most ignored the fact that the primary want for most trans people is better healthcare. At the same time, GRA reform, which arrived very much ‘left-field’ courtesy of then Prime Minister Theresa May, was designated part of the “trans agenda”, or “trans ideology”.

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93. There was significant confusion between what is covered by the GRA and what by the Equality Act 2010, and for far too long, many press outlets displayed an embarrassing lack of understanding of what the GRA actually covers. For instance:
- Transgender people can still be excluded from single-sex toilets after Government say there will be no change to law
<https://www.thesun.co.uk/news/6615313/transgender-people-can-still-be-excluded-from-single-sex-toilets-after-government-say-there-will-be-no-change-to-law/>
94. This alarmist piece restates Equality Law while mixing it up with GRA reform: the headline implies exclusion from loos is standard, as opposed to a significant deviation from current practice.
95. It quoted unnamed “campaigners” as claiming that “male and female only spaces discriminate against trans people”. This is not a mainstream position.
96. In addition, the overall impact of this piece was to generate significant concern within the trans community.
97. In print media, this narrative was pushed by a number of commentators, including a community of older, more conservative women, who began to write about the various anti-trans perspectives being promoted as part of a “concerns narrative” from the moment the proposed reform was launched.
98. There was almost no significant mainstream rebuttal of these points of view. Typical of this is a BBC report of a conflict between trans people and A Women’s Place. Yet despite BBC concerns elsewhere that “balance” should always be provided, there is no comment from any trans source explaining the trans rationale for this action:
- Protest by transgender community over A Women's Place meeting
<https://www.bbc.co.uk/news/uk-wales-south-east-wales-43745853>
99. In broadcast media, the same “concerns” kept being voiced, often by high profile professionals such as Piers Morgan or Eamonn Holmes. The former gained a certain notoriety for his sceptical/belittling take on trans issues: for instance, his assertion that he might decide to “identify as a giraffe”.
100. Over time, trans people became increasingly reluctant to take part in such lop-sided/uninformed debates. Various factors contributed:
- a) Format issues (qv. Problems of debate format as pars41 and 104).
 - b) While the theoretical trans community is significant, the pool from which opinion might validly be sought is minuscule (perhaps 300-400 across the UK), and only a small proportion of this is at any point sufficiently briefed on key issues to input meaningfully to a discussion of complex legal issues.
 - c) “Debate” all too frequently veered into debate over the right of trans individuals to exist. This is highly toxic and given the media obsession since the GRA reform was launched, it

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is not fanciful to suggest, as many commentators have now done, that large parts of the trans community are experiencing symptoms not dissimilar to PTSD.

101. Perhaps the most significant contribution in this respect is the transphobic hate crime report, published by GALOP in October 2020. Under impacts of transphobia (section 2) it highlights the most significant impacts of transphobia. One stand-out impact that this Inquiry might wish to reflect on is: “nearly two thirds of respondents were unable to use public toilets due to transphobia and more than half were unable to leave their house”.

<http://www.galop.org.uk/wp-content/uploads/Trans-Hate-Crime-Report-2020.pdf>

102. It is no understatement to suggest that in the UK in 2020 that finding alone is utterly shameful.

103. In addition, a recent study (November 2020) by researchers at Brown University finds that relentless anti-trans campaigning by the media is causing depression and psychological distress among trans people.

<https://www.liebertpub.com/doi/10.1089/lgbt.2020.0279>

104. Reluctance to take part in such toxic undertakings has been branded by parts of the media as “silencing”:

- Trans activists think debate is hate speech

<https://www.thetimes.co.uk/article/trans-activists-think-debate-is-hate-speech-hsh7vpmzt>

- Genderquake failed. Now for a proper trans debate

<https://www.theguardian.com/commentisfree/2018/may/13/genderquake-failed-now-for-a-proper-trans-debate>

105. This almost positions trans people as duty-bound to appear on screen to rebut every imagined concern. The second piece is particularly inappropriate, since the author is referencing a Channel 4 debate in which she participated. During that debate, trans panellists were constantly heckled with shouts of “Penis! Penis!”

106. Allegedly, the heckling was encouraged by floor managers working on behalf of Channel 4: however, Channel 4 has denied this.

107. In either case, if that debate “failed”, it is not altogether fanciful to suggest that it did so because of the actions and attitudes of the anti-trans participants.

Misinformation/negative narrative

108. During – and before - the consultation period, the press promoted significant misinformation as to what GRA reform might entail. There is not space here to document it all, so we will restrict ourselves to some key out-takes.

109. Prison implications. The actual legal situation is straightforward:

- a) Having a gender recognition certificate does not mean automatic admission to a women’s

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- prison for a trans woman.
- b) Trans women may be admitted to a women's prison without such certificates.
 - c) There is a general legal requirement that prison authorities balance the Human Rights of trans people with safety considerations.
110. This did not stop multiple media outlets claiming that easier gender recognition would mean men just “deciding to be women” and automatically being transferred to women's facilities.
- As more trans women who were convicted as men hope to follow rapist Martin Ponting into female wings, prison governors fear vulnerable inmates could be attacked
- <https://www.dailymail.co.uk/news/article-5798945/Trans-women-convicted-men-attack-vulnerable-inmates.html>
- “At present, a transgender male-born prisoner can only move to a women's jail if she has a Gender Recognition Certificate”
- Fury as transsexual paedophile who groomed underage girls is moved to women's prison
- <https://www.thesun.co.uk/news/7281372/transsexual-paedophile-moved-womens-prison/>
- “She has to be held in a female jail after getting a gender recognition certificate.”
111. Also absent from this focus is the fact that women in prisons are most at risk from other cis women – and from prison staff.
112. According to Ministry of Justice figures, total assaults (on staff and other prisoners) in female establishments rose by 21% in 2019 (Table 4 in link provided):
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/820627/safety-in-custody-q1-2019.pdf
113. A recent investigation by the Guardian highlighted that according to MoJ figures (obtained under FoI legislation), over a five-year period, 718 investigations were launched into assault or unnecessary use of force against a prisoner by a guard, and 174 into inappropriate relationships with prisoners. Though there is no gender breakdown given, we doubt that these incidents took place exclusively in male establishments.
- <https://www.theguardian.com/society/2019/apr/29/more-than-2500-prison-staff-disciplined-in-five-years-moj-figures-show>
114. Much fun was had by anti-trans campaigners who hit on the idea that one could “wake up and identify as x” (usually, but not always, a woman), and it would be a done deal. This was the main thrust of the Man Friday campaign; also, a (now former) Labour Party member who claimed he would identify as a woman on a Wednesday in order to stand for the post of Women's Officer:
- Why I decided to run for Labour's Women's Officer even though I only identify as female on Wednesdays

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<https://www.thesun.co.uk/news/6368126/labours-womens-officer-david-lewis/>

115. This, and many similar stories, are a good joke. But running them unchallenged, as here, is not debate or news reporting – but pure propaganda.

116. Alongside this, the mainstream coverage included much that was alarmist:

- a) Claims that gender recognition reform would “put women at risk” (The Economist), or provide a “loophole for abusers” (the Daily Mail)
- b) Sudden shock over things that had been happening for years with no issue. Trans women on women’s wards became “NHS trans row as men get access to women’s wards if they identify as female” (the Telegraph and various)
- c) Many newspapers conflated GRA reform with things that have nothing at all to do with it.

Thus, following reports of problems with unisex changing facilities, there were widespread claims that this was part of the “trans agenda”, and linked coverage once again to “endangering women and kids in the name of ‘transgender rights’” (OneNewsNow; but also reported in similar vein by, inter alia, the Times)

117. All of the above were put forward by multiple outlets, despite the absence of such risk documented elsewhere in the world.

Misinformation/negative narrative

118. In addition to this slew of negative stories, this paper hints at something else: missing stories. Not only are trans people and their stories almost entirely absent from mainstream media (apart from those few who can be relied upon to put a contrary narrative) but positive stories go largely or entirely unreported. Two instances:

- a) Despite constant harping on about the risk to women in shelters, the point, repeated year after year, is that trans women have been using and working in shelters for a very long time. Without any issues.

This, however, goes almost unreported in the mainstream:

- Domestic violence shelters: Gender recognition changes ‘would have no impact’ on services
<https://www.pinknews.co.uk/2018/08/03/domestic-violence-shelters-transgender-no-impact-on-services/>

- b) Also notable by its absence is coverage of GRA reform elsewhere: particularly Ireland which, as a near neighbour, might be expected to have some lessons for the UK.

Even in week when Ireland celebrated its 5th anniversary of GRA reform, which also coincided with a moment when an announcement from Liz Truss was anticipated, the mainstream press were not remotely interested in covering this story.

Conclusion

119. The UK press has never been especially friendly to the trans community. However, there was a period, around 5 or 6 years ago, when we felt the overall picture was improving.
120. That view has been shattered beyond our worst fears by the furious, obsessive and incessant attacks on every aspect of trans life that we have seen published in almost all mainstream outlets over the last few years. The trigger for those attacks was, we are sure, the government's mis-judged announcement of GRA reform, with no clear accompanying plans: an information vacuum was created, and into that vacuum rushed almost every manifestation of transphobia imaginable. Government attempts to stem the tide were spasmodic and ineffective, and soon stopped.
121. We are sure that media attacks on GRA reform have gone a long way to shape public perception of anything that might now be proposed. Worse, the attacks, which were initially specific, have now generalised out to almost every aspect of trans life – access to public facilities, inclusion in sports, sex and relationships education, inclusion in statistics monitoring discrimination.
122. This has had two effects:
 - it has increased transphobia, as can be seen in actual, countable, acts of violence against trans people
 - it has created a near breakdown in some parts of the community, with widespread fear. Individuals happily out in their community or at work have, this last year, been expressing increasingly fearful views about their future in this country.
123. The government did this. We pray that this Committee can go some way to helping put that right.

Appendices

Appendix I: Overall coverage of trans-related stories by mainstream media

	2012		2018-2019*	
	Articles	Words	Articles	Words
Guardian	121	98,054	1602	2,786,655
Times	148	162,131	1230	924,375
Sun +Sunday Sun	131	43,761	913	354,067
Telegraph +Sunday Telegraph	123	98,572	813	554,216
Mail + Mail on Sunday	78	83,154	585	491,621
Mirror +Sunday Mirror	44	18,632	425	190,160
I	-	-	405	217,992
<u>Independent+IOS</u>	62	45,491	-	-
Star	94	32,235	-	-
Express	50	30,879	247	117,255
Observer	44	48,104	179	254,523
Total	895	661,013	6,399	5,890,864

*21 October 2017 – 21 October 2019

Source: Paul Baker corpus analysis

Appendix II: Partial survey of trans-related articles by T Uglow

Title	Incidence
The Times of London [inc. Sunday Times]	158
The Daily Mail [inc. Mail on Sunday]	128
The BBC	124
The Guardian [inc. Observer]	120
The Mirror	107
The Telegraph	87
The Spectator	72
The Sun	54
The Economist	28

Appendix III: Comparison of word usage, 2012 vs. 2018-19

Words statistically significantly more frequent in 2012 compared to 2018/19

transsexual, he, transvestite, pass, him, man, clothes, hair, transsexuals, shoes, sperm, breasts, bondage, boy, operations, implants, girl, transvestites, dress, dressing, vasectomy, wear, breast, charity, homosexual, prostitutes, transgendered, dressed, wearing, ladyboys, implant, tranny, injections, corset, Beaumont

Words statistically significantly more frequent in 2018/19 compared to 2012

trans, gender, women, LGBT, LGBTQ, identity, queer, hate, discrimination, violence, transition, transphobic, inclusive, recognition, activist, feminists, Mermaids, neutral, pronouns, harassment, attack, abuse, identifying, female, transphobia, toilets, diverse, testosterone, cis, transitioning, biological, backlash, transitioned, pronoun, inclusion, fluidity, bigotry

Source: Paul Baker corpus analysis

Appendix IV: Word Context

Category	Term	2012 (%)	2017-18 (%)
Offense words	<i>transgender</i>	6/345 (1.73%)	308/9305 (3.31%)
	<i>trans</i>	2/72 (2.77%)	278/8545 (3.25%)
Sex words	<i>transgender</i>	0/345 (0%)	28/9305 (0.30%)
	<i>trans</i>	0/72 (0%)	22/8545 (0.25%)
	<i>transsexual</i>	4/233 (1.71%)	7/223 (3.13%)
Crime words	<i>transgender</i>	3/345 (0.86%)	415/9305 (4.45%)
	<i>trans</i>	0/72 (0%)	193/8545 (2.25%)
Conflict words	<i>transgender</i>	4/345 (1.15%)	195/9305 (2.09%)
	<i>trans</i>	1/72 (1.38%)	139/8545 (1.62%)

Offense words

affront, affronted, anger, angry, argue, argument, argued, arguing, backlash, clash, clashed, clashing, complain, complained, complaint, complaints, complaining, criticised, criticise, criticising, critical, dispute, fury, furious, offence, offend, offended, offending, outrage, outraged, row, spat, trouble, upset, upsetting, wrath also uproar

Conflict words

aggressive, aggrieved, demand, demands, demanding, demanded, harassed, harassment, harassing, bullied, bullies, bully, bullying, bullied, confronted, confronts, confront, confronting, lunge, lunged, lunging, militant, outspoken, pressure, pressured, pressuring, threat, threats, threaten, threatened, threatening

Sex words

tryst, trysts, binge, romp, romps, prostitute, prostitutes, prostitution, sex-worker, kinky, kink, fling, porn, pornography

Crime words

killer, prison, prisons, prisoner, prisoners, lag, lags, criminal, criminals, crime, murder, murderer, rapist, paedophile, jail, jails, killing, killed, kills, kill

Source: Paul Baker corpus analysis

Appendix V

Breakdown of stories linked to Gender Recognition in the period around the consultation

	Total	Pro	Neutral	Hostile
Pre-Consult	85	12	53	20
During	180	25	102	53
Post-Consult	114	18	51	45
		14.1%	62.4%	23.5%
		13.9%	56.7%	29.4%
		15.8%	42.1%	39.5%
Totals	379	55	206	118
		14.5%	54.4%	31.1%

Appendix VI: Estimated balance of coverage by no. of articles before, during and after the GRA consultation period

	Positive	Neutral	Negative
Spiked	0.0%	0.0%	100.0%
The Spectator	0.0%	0.0%	100.0%
The New Statesman	0.0%	0.0%	100.0%
The Telegraph	0.0%	25.0%	75.0%
The Sun	0.0%	40.0%	60.0%
The Times	0.0%	42.9%	57.1%
The Guardian	16.1%	35.5%	48.4%
The Daily Mail	0.0%	63.6%	36.4%
Misc	13.8%	57.9%	28.3%
The Metro	25.0%	50.0%	25.0%
Pink News	17.5%	82.5%	0.0%
The Independent/i	45.8%	50.0%	4.2%
Other LGBT Press	31.6%	68.4%	0.0%
BBC	14.3%	85.7%	0.0%
The Evening Standard	50.0%	50.0%	0.0%

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Appendix VII: Readership and Circulation by attitude to GRA reform

<u>Positive</u>	Readership		Circulation	
	Print	Digital		Source
Pink News	na	na	na	
Other LGBT Press	na	na	na	
The Independent	na	28,225,000	na	https://www.newsworks.org.uk/the-independent Updated 16/9/20
The i	472,000		na	https://www.newsworks.org.uk/i Updated 16/9/20
The Evening Standard	3,664,000	16,041,000	na	https://www.newsworks.org.uk/lon-don-evening-standard Updated 16/9/20
Total	4,136,000	44,266,000	0	
<u>Neutral/Other</u>				
Misc	na	na	na	
Metro	8,748,000	21,220,000	na	https://www.newsworks.org.uk/metro Updated 16/9/20
BBC	na	na	na	
Total	8,748,000	21,220,000	0	
<u>Negative</u>				
Spiked	na	na	na	
The Spectator	na	na	91,252	https://www.abc.org.uk/product/3016-the-spectator-group July to December 2019
The New Statesman	na	na	37,828	https://www.abc.org.uk/product/549 January to December 2019
The Economist	na	na	906,611	https://www.abc.org.uk/product/432 January to June 2020
The Telegraph	2,683,000	19,595,000	na	https://www.newsworks.org.uk/the-daily-telegraph Updated 16/9/20
The Sun	6,900,000	33,980,000	na	https://www.newsworks.org.uk/the-sun Updated 16/9/20
The Times	4,041,000	12,821,000	na	https://www.newsworks.org.uk/the-times Updated 16/9/20
The Guardian	2,932,000	28,642,000	na	https://www.newsworks.org.uk/the-guardian Updated 16/9/20
The Daily Mail	6,544,000	31,593,000	na	https://www.newsworks.org.uk/daily-mail Updated 16/9/20
	23,100,000	126,631,000	1,035,691	

November 2020*