

Written evidence submitted by Trans Media Watch to the Transgender Equality Inquiry

1 Trans Media Watch

- 1.1. Trans Media Watch is a charity (registered number 1144430) founded in 2009. Its primary aim is to work with media across the UK to ensure that trans and intersex issues are reported with accuracy, dignity and respect. It also supports trans and intersex people who have found themselves subjected to the media's interest.
- 1.2. We are staffed entirely by volunteers, and have a large following on social media.
- 1.3. We recognised from the outset that how the media covers trans and intersex issues has a major part to play in society's awareness and understanding of those issues. In summary, the media helps us to "define what we think about, what we see as problems and the solutions we consider"¹.
- 1.4. We welcome the fact that media coverage has improved to the point where MPs are now taking an active interest in the abuses suffered by trans and intersex people.

2 Press Coverage

- 2.1. We submitted evidence to the Leveson Inquiry at the start of 2012 on the way that the UK's press (predominantly but not exclusively the tabloid press) were treating trans and intersex issues. Our evidence included pieces published after the official deadline for submissions, indicating that the press had behaved itself while the Inquiry was accepting submissions, and reverting to type immediately after the deadline had passed.
- 2.2. In our main evidence, given in person in February 2012, we stated that trans stories tended to fit under one of three categories – "trans as fraud", "trans as undeserving", or "trans as deviant and deserving of parody". In his report Lord Justice Leveson added a fourth – "the outing of transgender people" – which he stated he found "perhaps the most disturbing"².
- 2.3. We found it necessary to make a second submission at the end of February 2012, detailing how aggressive press coverage of two stories in that month had significantly affected the safety of trans men across the country, and a young child. Lord Justice Leveson also referenced this second submission in his report.
- 2.4. Three weeks after the publication of the Leveson Report, the UK's media was full of the "news" about a transitioning primary school teacher, despite the condemnation of "outing" that the Leveson Report had included. The Daily Mail published a piece by Richard Littlejohn, subsequently retracted, that caused a huge public outcry..
- 2.5. Three months later, in March 2013, the teacher took her own life. Again, there was a huge wave of public outrage, reflected in both a petition that garnered over 200,000 names³ and the attendance of 13 MPs and 1 peer at an event we put on in a House of Commons Committee Room on a busy Wednesday afternoon in April 2013. At the coroner's hearing in May 2013, the coroner slammed the press for the nature of its coverage⁴. It was only at this point that the press coverage of trans issues started to change.

¹ Gray Cavendar: Media and Crime Policy, 2004

² Leveson Report 2012, Part F, Chapter 6, paragraphs 8.24 to 8.33

³ <http://www.pressgazette.co.uk/content/campaigns-get-richard-littlejohn-sacked-daily-mail-signed-240000>

⁴ <http://www.bbc.co.uk/news/uk-england-lancashire-22694847>

- 2.6. For a year or so the press published very few trans stories, until the outing of Kellie Maloney, a well-known boxing promoter, in August 2014. Kellie soon revealed that she felt forced to take out an injunction to prevent the story being published in February 2014⁵, and had agreed to a managed outing by the Mirror Group in order to try to control the story.
- 2.7. The revelation that Caitlyn Jenner, an American Olympian and part of the celebrity Kardashian family, was transitioning at the beginning of 2015 also saw changes in approach by a large part of the UK's media.
- 2.8. One exception was some press interest in Emily Brothers, a Labour parliamentary candidate who revealed that she was trans. In December 2014, the Sun published a short comment piece by Rod Liddle which included the sentence "The thing is, being blind, how did she know she was the wrong sex". With Emily's support, we took a complaint to IPSO on the basis that this was a clear breach of the Discrimination clause (clause 12) of the Editors' Code. IPSO agreed⁶, and also noted that the Sun's attempted apology, published in January 2015, could not be considered an apology. We argued that this follow-up piece was, in fact, victimisation of the complainant. We have not yet managed to get IPSO to even comment on this aspect of the case.
- 2.9. However the tabloids have continued to "out" people. Their defence is usually that they are doing so in a positive manner, ignoring the impact that any unwanted press exposure has on individuals, and also ignoring the prohibitions in the Editors' Code about unnecessary reference to trans status – the Press Complaints Commission issued guidance in May 2005 stating that trans people were covered under the existing "discrimination" categories.
- 2.10. One such example was the outing of a BA pilot in September 2014⁷, where the entire story was basically "a senior BA pilot is trans". Quite what implication the general public is supposed to infer from this is unclear. The tabloid concerned would insist that it's a positive story showing a large corporation's inclusivity, but it is equally possible to infer shock that a trans person (or a woman) could be fit to pilot large commercial jets.
- 2.11. The Editors' Code offers protection to named individuals. However we have seen a trend towards opinion pieces which promote harmful and discriminatory views about trans or intersex people in general, and there is currently no mechanism to regulate such content. Rod Liddle (again) published such a piece in the Sunday Times on 12 July.
- 2.12. Additionally, when comments are enabled on online press stories featuring trans or intersex people, we note that there are still a large number of aggressive or abusive commentators.
- 2.13. Language is still a problem. We have published guidance on our website⁸ for a number of years, and the PCC made rulings about what language is and isn't appropriate⁹. We were pleased to be able to assist the BBC in a recently published piece on language¹⁰. But certain aspects of the press still fixate on terms like "sex swap" and "sex change" which lots of trans people object to, because it makes transition seem immediate or flippant. We still see trans

⁵ <http://www.theguardian.com/sport/2014/aug/13/kellie-maloney-public-life-woman-newspaper-boxing-promoter>

⁶ <https://www.ipso.co.uk/IPSO/rulings/IPSORulings-detail.html?id=131>

⁷ <http://www.mirror.co.uk/news/uk-news/transgender-british-airways-pilot-flying-4255502>

⁸ <http://www.transmediawatch.org/Documents/Media%20Style%20Guide.pdf>

⁹ For example, <http://www.pcc.org.uk/cases/adjudicated.html?article=NjEyNw==>

¹⁰ <http://www.bbc.co.uk/news/magazine-32979297>

and transgender used as a noun rather than an adjective – a person is not a transgender any more than a person is a black.

- 2.14. Similarly, there is still a fixation on reporting peoples' previous names and including pictures of them before transition. For example, the BBC piece referenced above notes Caitlyn Jenner's former name. We note that the press's justification for this practice does not apply to, say, pop stars who have changed their names. The implication of this practice, as we noted in our Leveson submission, is that trans people are not really who we say we are.
- 2.15. We recognise use of problematic language and historic references is often a result of ignorance and practice rather than intending any malice.

3 Television and Radio

- 3.1. We have also worked with broadcasters, such as Channel 4 and the BBC, together with a number of production companies. For the fifteen years or so up to 2011, coverage of trans and intersex people on broadcast television and radio had either been as targets of "comedy" or as subjects of worthy scientific documentaries. Indeed, it was an episode of the ITV comedy Moving Wallpaper that was instrumental in us setting up Trans Media Watch in the first place.
- 3.2. We were able to assist Channel 4 and Twenty-Twenty (a television production company) in the production of My Transsexual Summer, a four-part series broadcast in the autumn of 2011 showing the challenges faced by seven trans people. This series put a more human face on to trans issues, and received widespread praise. It was one of Channel 4's most watched programmes in 2011. Louis Theroux's recent documentary on trans children for the BBC also received much acclaim.
- 3.3. Comedy, however, continues to be a problem, although there are signs that script writers are realising that trans people are human beings, and are moving away from treating trans people as the subject of ignorant and discriminatory jokes. It is taking slightly longer for comedians who work primarily in improvised comedy methods to come to the same realisation, and harmful exchanges or one-liners are still in evidence.
- 3.4. In addition, BBC Radio 4's Womens Hour is also a regular "offender", with most of the pieces that feature trans people eliciting a level of incredulity amongst the presenters. The BBC in general has a history of setting up debates featuring trans people. Such "debates" usually end up questioning the validity or authenticity of trans peoples' identity and experiences.

4 Advertising

- 4.1. We took advantage of the lull in press interest from mid-2013 to initiate some work with some advertising agencies, including Clearcast who pre-approve all broadcast advertisements.
- 4.2. We have noticed that advertising is now steering away from problematic and stereotypical representations of trans people (such as that by Paddy Power in February 2012), and some agencies are now creating some innovative and inclusive campaigns featuring trans people¹¹.

5 Regulators

- 5.1. In 2013 we also delivered some training at the Advertising Standards Authority, and also met with senior members of IPSO at the end of 2014 (following on from conversations when the same people were in similar positions at the now-disbanded Press Complaints Commission).
- 5.2. We believe that trans and intersex awareness is at a low level in all regulators (including Ofcom based upon our meeting with them in 2010, and the BBC Trust), and this can cause a problem with regulators' ability to understand and process complaints. Indeed, we know of several people who will not take forward complaints because of the fear of further publicity and/or victimisation, making IPSO's silence on this issue (as referenced in 2.6 above) very worrying indeed.
- 5.3. We do recognise that coverage of trans and, to a lesser extent, intersex issues has improved markedly within the UK's media over the past couple of years. Significant problems still occur from time to time, but they are less frequent and tend to come from the same sources.
- 5.4. However, it is rare that any media coverage of trans people references any of the ongoing issues that trans and intersex people face and this committee will hear about – such as access to appropriate healthcare; discrimination in employment, education and housing; and issues around gender recognition, online abuse and data protection.

6 Social Media

- 6.1. In terms of social media, it can be difficult to extract any response from the main social media companies (Twitter and Facebook) meaning that large amounts of “hate speech” go unreported. One particularly egregious recent example was a tweet promoted by Twitter which encouraged trans people to kill themselves¹².
- 6.2. Additionally Facebook's “real names policy” can cause significant difficulties for trans people in particular. While Facebook have made a statement acknowledging these difficulties¹³, it does appear that their practice is struggling to stay in line with their policy.
- 6.3. Our interest and experience with social media indicates that online hate speech (and worse) is still a significant problem that trans and intersex people face on an ongoing basis. We made a submission to the Law Commission on 2013 as part of their consultation over whether categories of hate crime should be broadened, and we are working on two projects (LGBT Hate Crime Project and www.stoponlineabuse.org.uk) in conjunction with a number of other charities to assist the government in promoting both the reporting of hate crimes and strategies to reduce and avoid them.

¹² <http://www.theguardian.com/technology/2015/may/20/troll-uses-twitter-adverts-to-urge-trans-people-to-kill-themselves>

¹³ <https://www.facebook.com/chris.cox/posts/10101301777354543>

7 Recommendations

- 7.1. We would like to recommend the following:
- 7.2. That the Editors' Code be extended to cover groups of individuals (such as those covered by the protected characteristics in the Equality Act 2010).
- 7.3. That all regulators (including the BBC Trust) commit to have regular and reasonable training from appropriate experts on both trans and intersex issues.
- 7.4. That Government encourages positive portrayals of trans and intersex people that don't make trans and intersex people exotic or a special interest, including in its own publications.
- 7.5. That Government continues to encourage trans and intersex people to report hate crime incidents, including online abuse.

21 August 2015