

# Trans People Today

## *An Analysis of the BBC Radio 4's Today Programme's Coverage of Trans People*

### Summary

Trans people feel they are not represented fairly on the Today programme. This is a microcosm of the way BBC News and Current Affairs is approaching this area in total. To inform discussion, relevant parts of each programme between 3 October 2022 and 5 November 2022 has been transcribed by Trans Media Watch. This includes the whole of each section dedicated to the review of the morning's papers. Additionally, transcripts of older interviews have also been used.

This data shows that:

- just two presenters, Justin Webb and Mishal Hussain, are now the only ones who bring up issues such as gender recognition reform and trans people's healthcare, almost always in a manner which is hostile towards the concepts;
- Webb has a history of trying to shoehorn discussions of "trans issues" into discussions under a "freedom of speech" banner, often by referencing J K Rowling;
- Webb has mainstreamed terms referencing trans people, trans women in particular, which are understood by trans people to be extremely derogatory and, by his line of questioning, repeatedly frames trans women as dangerous to other women;
- no other regular presenter referenced these issues in the timeframe analysed;
- Nick Robinson appears to be the last Today presenter to robustly challenge someone claimed to have transphobic views;
- it is unclear when the last trans person to appear on the Today programme was. The "debate" is being held about trans people but without trans people.

Additionally, the papers most referenced, the Daily Telegraph (53/281 references), the Times (51 references) and the Daily Mail (42 references) comprise over 50% of all references, and all 3 papers are recognised by researchers to have significantly biased coverage of issues facing trans and non-binary people.

Trans people make up a very small proportion of society – those who transition are a small subset of trans people. The volume of coverage is massively out of proportion to the number of people actually affected.

The media coverage is predominantly framed in terms of causing risk and danger to women, or that medical treatment is dangerous and probably unnecessary.

The long waiting lists experienced by trans people just to start healthcare, or the impacts of hate crimes on trans people are simply not reported, yet "trans people being a problem" were in the top ten of references in the paper reviews, on a par with the war in Ukraine and immigration, despite a Scottish Parliament Bill committee finding there was no evidence to support concerns repeatedly raised about trans people.

Research shows that the media coverage, including that from the BBC, is having a significant impact on many trans people's mental health and their experiences when trying to live a normal life and contribute to our society. Many trans people report simply giving up listening or watching to BBC news and current affairs programmes because of the level of perceived bias against them.

In short, not only are BBC News and Current Affairs now failing to present any trans people in mainstream pieces, they are:

- framing trans people (in their absence) as dangerous problems to be addressed,
- failing to report the issues that are actually faced, preferring instead to promote myths, leaving them unchallenged, and
- routinely dismissing complaints by trans people, daring to explain to trans people what is and is not transphobic.

## Raw data

The following mentions of “trans issues” were recorded in the timeframe used for the study:

Date	Time	Presenter	Topic	Section
7 Oct	7:40	Graham Stewart (BBC Radio Scotland)	Scottish Gender Recognition Act reform	Paper Review
7 Oct	8:10	Mishal Hussain	Scottish Gender Recognition Act reform	Interview with Nicola Sturgeon
13 Oct	7:40	Justin Webb	Investigation into Mermaids	Paper Review
15 Oct	8:25	Justin Webb	Discussion about Robbie Coltrane	Interview with Miriam Margolyes
21 Oct	8:25	Justin Webb	Discussion about satire	Interview with Ben Elton
27 Oct	7:40	Justin Webb	Claims about Sandyford Clinic	Paper Review
28 Oct	6:40	Mishal Hussain	Scottish Gender Recognition Act reform	Paper Review
28 Oct	8:30	Mishal Hussain	Scottish Gender Recognition Act reform	Scottish GRA reform
28 Oct	6:40	Justin Webb	“woke” police and crime reporting	Paper Review
1 Nov	7:40	Justin Webb	Claims about Sandyford Clinic	Paper Review

## Paper Reviews

281 references to papers, in terms of headlines, pictures or more detailed summaries of pieces, were made between Monday 3 October and Saturday 5 November 2022. Out of 185 issues, trans-related ones came up 6 times, 4 by Justin Webb, 1 by Mishal Hussain, and 1 by guest reviewer Graham Stewart from BBC Radio Scotland. Out of these, 4 came from the Telegraph, and 2 from the Scotsman.

In comparison the war in Ukraine came up 7 times (3 Oct, Webb x 2; 10 Oct, Hussain; 11 Oct, Webb; 19 Oct, Robinson; 31 Oct, Robinson; 1 Nov, Webb) and immigration-related topics came up 5 times (28 Oct, Webb; 29 Oct, Hussain; 3 Nov, Hussain x 3). The most common topics covered were Liz Truss (21 times), the economy and tax policies (18), the Conservative Party (17), “fluff” or one-off light pieces (14), Rishi Sunak (14), general domestic issues (10), foreign issues excluding Ukraine (9), royal issues (9), and “trans issues” (6).

On 3 October, Webb reported *“a white Christian nurse, according to the Daily Mail, suing the NHS trust that she claims has been forcing a racist ideology onto its students. This is Amy Gallagher, who’s taking legal action against the Portman Clinic in north London, part of the controversial Tavistock Portman NHS Trust.”* What probably makes the Tavistock “controversial” is that it hosts the Gender Identity Development Service.

In the month's paper reviews, the word "controversial" was used 5 times:

- once here;
- once on 7 October *"the Holyrood Parliament last night passed controversial legislation that will freeze rents and ban evictions for at least 6 months"*;
- also on 7 October *"the author J K Rowling who's tweeted a photograph of herself wearing a t-shirt calling the First Minister a destroyer of women's rights. Now this is her way of backing a protest outside Holyrood which was staged yesterday over the Scottish Government's controversial gender recognition legislation"*;
- once on 13 October *"palace officials could scrap plans to crown the new Queen Consort with regalia containing controversial diamonds"*;
- and finally also on 13 October *"The head of the House of Lords Appointments Committee has ... asked, the paper says, for an urgent meeting with Liz Truss to discuss his concerns. This comes after a string of controversial appointments."*

Two out of the five uses were linked to trans people.

The first solid reference to issues affecting trans people was by Graham Stewart on 7 October, as quoted above.

On 13 October Webb says *"Another issue actually from Parliament and from what's happened yesterday at Prime Minister's Questions, the Telegraph which has been mounting quite a long series of investigations into the charity Mermaids, the children's trans charity, says that Liz Truss has now supported calls for a police investigation into that charity after the paper revealed that it had provided breast binders to children. Miriam Cates, who is a Tory MP who brings, who brought this subject up, said recent reports highlighted serious safeguarding failures. She asked the Prime Minister yesterday whether she agreed that it was high time for a police investigation and Miss Truss sort of suggested that she did. In response Mermaids have said Miss Cates' attitude to LGBT organisations is well documented. This isn't the first time she's criticised Mermaids. They say they're going to carry on doing what they do. And the Metropolitan Police, interestingly, said that breast binding could be classed as child abuse but that the supply of a breast binder is not, itself, a criminal offence."*

On 27 October Webb reports *"There's a very big investigation in the Telegraph into what they call Sturgeon's Tavistock, the Glasgow clinic accused, they say, of offering sex changes that are based solely on patients' self diagnosis. The clinic's mental assessment of patients based on their own diagnosis, according to a clinician secretly recording this, a recording given to the Telegraph. Basically, she said, just going on what they tell you. Campaigners are saying the comments, which were recorded by this whistle-blower, prove that Sandyford, this is the name of the clinic, has become an ideologically driven, one stop conveyor belt for the medical transition of children and must be shut. They claim that trans men can be referred for mastectomies after just one initial mental health assessment. And children as young as sixteen approved for double mastectomies in Scotland."*

On 28 October Hussain reports *"I'm going to start with the Scotsman because of what happened at Holyrood yesterday, when the gender recognition law that the SNP was bringing forward passed an initial stage. However, nine SNP MSPs defied the party whip and a minister resigned which the Scotsman, and other papers says, is the largest rebellion in the party's fifteen year history. Just to remind you what is involved in the new system being proposed for the Scottish government. It appears that Scots could change their legal sex simply by signing a declaration with sixteen and seventeen year olds among those able to obtain gender recognition certificates, and this is what J K Rowling and others have been very publicly opposed to."* (See also the Dedicated Piece section below.)

Webb follows this up with *“Police solve less crime than ever, even as offences soar, the Telegraph says on its front page. And they quote Boris Johnson’s Number Ten special advisor on criminal justice, a former policeman himself, Rory Geoghegan, who’s told the Telegraph that ministers need to be tough on woke police chiefs ... Politicians must hold police chiefs to account for addressing these mainstream concerns rather than allowing them to fixate on pronouns, privilege and identity politics.”*

On 1 November Webb takes 75 seconds to explain *“An extraordinary story on the front page of the Telegraph, following up their previous stories about the place that is described as Nicola Sturgeon’s Tavistock. This is the Scottish gender identity clinic, where children as young as nine, according to the Telegraph, are prescribed puberty blockers. The report into Scotland’s national gender identity service by NHS clinicians finding that seventy-nine children aged between nine and eighteen were referred for puberty suppressing drugs, while being treated at the Sandyford clinic – that’s the name of the clinic in Glasgow. And the Telegraph have talked to Dr David Bell, who is the former staff governor turned whistle-blower at the Tavistock clinic – you’ll remember the Tavistock clinic in London which is being shut down after a review by NHS England said that ninety-eight per cent of children who started on puberty blockers continued on to opposite sex hormones – so David Bell has told the Telegraph, the very act of starting them is putting them on a medical pathway. It becomes, he said, a self-fulfilling prophecy, and he says Sandyford should be shut down. NHS England has agreed that the gender service at the Tavistock should be shut down for these reasons.”*

According to the NHS, following the interim Cass report, the GIDS service is being shut down for many reasons, mainly to do with the clinic’s inability to deal effectively with large waiting lists, but also their record keeping. The NHS is proposing to open two new clinics to take on the people currently using or waiting to use the GIDS service.

While each of these statements are summarising or, in some cases, quoting the papers, the framing of the stories is consistently that medical treatment for trans people is dangerous, that legal gender recognition is dangerous, and that police shouldn’t address any intimidating, harassing or bullying behaviour.

## Specific Pieces

There was one piece dedicated to discussion of the proposals to reform the Gender Recognition Act in Scotland, and “trans issues” were referenced (or inserted into) a further three pieces.

### Dedicated Piece

Following the first reading vote on proposals to reform the Gender Recognition Act in the Scottish Parliament, Mishal Hussain spoke with Scotland correspondent James Shaw at 8:30 on Friday 28 October.

The result of the vote was 88 votes for, with 33 votes against. However, far from reflecting the overwhelming cross-party support (over 72% of MSPs who voted, 68% of all MSPs) for reform, the piece was framed in terms of rebellion and controversy. Hussain started the piece by stating *“A minister resigned from the Scottish Government yesterday as its gender recognition legislation was put to a vote at Holyrood. ... What happened was the biggest rebellion the SNP had seen since it came to power in 2007.”*

After an explanation from Shaw, Hussain asked *“the key thing about that is this three month period that you could, for example, live as a woman, and it’s not clear to me, and I don’t know if it is to you, or has been stated in the legislation how you define living as a woman, for three months, dropping the requirement for a medical diagnosis of gender dysphoria?”* This reflected her line of questioning of Nicola Sturgeon (see below).

There are two fundamental reasons why the current law requires amendment, irrespective of whether self-declaration of gender is proposed or not:

- the current Gender Recognition Act requires an applicant to satisfy a Panel that they have lived “as a man” or “as a woman” for a period of two years. What that actually means is not been defined in the current law. The proposals don’t change that lack of clarity, but it is not clear how this would be made any clearer. As Jess Phillips MP asked in a Parliamentary Inquiry, “*what does it mean to live as a man – or a woman?*”.
- international and UK medical bodies are moving away from using the term gender dysphoria, and it no longer has a clear and accepted medical definition. The proposals remove the requirement to gain a diagnosis that no one should now give.

There was no mention that 2 Conservative MSPs (out of 31) rebelled against their party to support the proposals, or that the proposals appear to have the full support of 66 MSPs (excluding Labour) which would guarantee a majority to pass them.

### Insertions Into Discussions

There were three interviews in which the interviewee was asked for views on “trans issues” – Mishal Hussain interviewing Nicola Sturgeon on her Government’s proposals on 7 October, Justin Webb interviewing Miriam Margolyes on the death of Robbie Coltraine on 15 October, and Justin Webb interviewing Ben Elton about satire on 21 October.

#### *Nicola Sturgeon*

As part of her main interview on 7 October 2022 because of the SNP party conference, Mishal Hussain asked Scottish First Minister Nicola Sturgeon about a number of policy areas. The last one she turned to was reform of the Gender Recognition Act.

Hussain’s first question on this topic was “... *there was a big protest at Holyrood yesterday, and J K Rowling has tweeted a picture of herself with a t-shirt saying Nicola Sturgeon, Destroyer of Women’s Rights. Are you a destroyer of women’s rights?*” This immediately frames the discussion in terms that advancing the rights of trans people will take rights away from women.

Sturgeon stated in her reply – “*The Gender Recognition Bill, which comes before the Scottish Parliament in a couple of weeks’ time, is about reforming an existing process. It doesn’t give any more rights to trans people and it doesn’t take any rights away*” before being interrupted by Hussain, asking “... *Any man in this room could live as a woman for three months and be recognised by the state as a woman, use a woman’s refuge, use a woman’s changing room, go into a woman’s prison. How is that right?*”

The basis of Hussain’s question is partially (but not wholly) flawed. Refuges and prisons undertake risk assessments before admitting or placing anyone, and the only current restrictions on anyone (including men) entering women’s changing rooms (or toilets) are public order offences. Hussain is right to say that, under the proposals, anyone, including any man, could be recognised as a woman after three months, but the only rights that gives are the right to be married as a woman and the right to pay National Insurance contributions or collect a pension as a woman. (See Analysis section below.)

Hussain repeatedly interrupted Sturgeon, demanding that she answer her question, for a period of 45 seconds of the 4 minute section out of an 18 minute interview.

Sturgeon was eventually given some space to answer the question as she wished, and concluded the interview by saying “*Abusive men are a risk to women, and where men abuse women, that’s what we should be focusing on. We shouldn’t be seeking to further stigmatise and discriminate against a tiny, tiny group in society that are already one of the most stigmatised groups in society. And, you know, there are many, many real threats to women out there right now, from, you know, attacks, physical attacks, attacks of sexual violence to the removal of abortion and reproductive rights of women, to what women in countries like Iran are going through. There are no shortage of attacks on women that feminists, real feminists, as I consider myself to be, should be focusing on right now. The threat to women in our society today is not from*

*trans women. It is from abusive men, from lawmakers who want to take away our rights, and that is what we should be focusing on."*

What Sturgeon's reply shows is that reframing the "debate" into what issues are trans people currently framing leads to very different types of answers.

### *Miriam Margolyes*

On Saturday 15 October, Justin Webb interviewed Miriam Margolyes over her memories of the recently deceased actor Robbie Coltrane. Webb seemed to view Coltrane's main role as being Hagrid in the Harry Potter films – despite Coltrane having a starring role in many other productions.

Two minutes into the interview, Webb asked *"He stood by J K Rowling, didn't he, when she started to get it in the neck from trans activists?"* Margolyes initially seemed a bit confused by the line of questioning.

Webb follows this up by asking *"But when it comes to J K Rowling, I mean, everyone who was involved in the Harry Potter franchise has had to make a decision, haven't they. Do we say, look, she's a wonderful woman and it's an extraordinary thing, or do they cut her out as some have, and just put her to one side?"* Margolyes starts to answer, but then restarts the discussion by focussing on Coltrane rather than Rowling.

It is unclear why any discussion about J K Rowling was inserted into a discussion focusing on memories of Coltrane, but this is a tactic that Webb uses fairly often.

### *Ben Elton*

On Friday 21 October, Ben Elton was interviewed by Justin Webb about the anniversary episode of Friday Night Live on Channel 4 later that evening.

Three minutes into the interview, Webb asks *"How can you be a satirist when no one's in charge?"* Elton takes around a minute over his answer.

Webb follows up with *"Is there another job of the satirist, which is to find people who are in charge even though they say they're not. You mentioned binary. Let's go there, to non-binary, and to, you know, misgendering and all that kind of stuff, what is a woman, etc. Are those areas that, that your programme, your show might go to?"* This question completely contrasts with his earlier one, which claimed that *"no one's in charge"*. Elton concludes his reply by saying *"I mean, life is changing so quickly, technologically, in terms of our attitude to society, as you say, in terms of what is humanity, what is sex and gender?"*

Webb replies by saying *"But they're now in charge, the people who say, we need to think"* before being interrupted by Elton's response *"Are you trying to say that woke millennials are cancelling grey haired voices like yours, sir?"* Webb's response includes *"I thought I was being more subtle. You've caught me out."*

This section takes 2 minutes out of an interview lasting 6 minutes and 30 seconds – roughly a third of the interview.

However, the repeated claim that trans and non-binary people *"are in charge"* bears all the hallmarks of a conspiracy theory, an alarming position for a lead presenter on a flagship programme to take.

## Historic Interviews

Transcripts of some Today programme interviews taken between December 2019 and February 2020 show a similar problematic framing.

### *Jo Swinson, 9 December 2019*

Justin Webb interviewed Jo Swinson, then leader of the Liberal Democrats, as part of the final round of leaders' interviews before the general election on 12 December 2019. The interview lasted for 9 minutes, 30 seconds. The first 90 seconds were taken up with the party's position on Brexit – the main issue of the election. The next two minutes were on whether the Liberal Democrats would put Jeremy Corbyn into 10

Downing Street, including another short section on Brexit. The remaining 5 minutes – over half of the interview, was then framed thus:

*“You have entered the debate about trans rights with great clarity, actually, in recent days. You’ve said you are going to completely reform the Gender Recognition Act, you’re going to remove the requirement for medical reports for people to undergo, you’re going to scrap the fee, you’re going to recognise non-binary gender identities. Can I ask you this? Do you believe that biological sex exists?”*

His subsequent substantive question was *“But, for instance, when it comes to safe spaces for women, whether it’s women’s refuges or whether it’s women’s places in prisons, that it should be possible to say, and to say clearly, as the law suggests at the moment, someone who is anatomically, chromosomally male should not get into those spaces. Is that something you will keep to or not?”* Webb is wrong – there was then and there is now no such law restricting access to single-sex spaces.

He continued, *“You’re not in the studio here, but if we were in the studio here together, you could be all sorts of things superior as it were to me in terms of brain power, in terms of courage and all the rest of it, but if we were face to face – a male and a female, the fact is that I could do you enormous damage because of my male body, the way I am. That is a fact, isn’t it?”* In so doing, he perpetuates the myths that hormones do not affect strength, and that trans women are all really (to repeat an oft-used media phrase) “burly men”.

*Susan Evans, 6 January 2020*

Susan Evans was a psychiatric nurse who was intending to file court papers questioning whether people under 18 were legally competent to consent to transition-related healthcare. To clarify (as this is often misrepresented):

- children in severe distress may be supported to socially transition – change their names and present as the opposite gender;
- those who have started puberty and meet stringent requirements, essentially showing persistent dysphoria may be prescribed puberty blockers; and
- those on puberty blockers and persist with dysphoria may be prescribed cross-sex hormones from the age of 16. In exceptional circumstances, some trans men may be referred for double mastectomies. These are the only gender-related surgeries carried out on any under 18s. The same surgery is available for and carried out far more frequently on cis people (people who are not trans) who express severe distress.

Hussain started the section by saying *“Can children under the age of sixteen give informed consent to medical treatment for gender reassignment? A legal case begins today which will test that principle.”* In fact, no legal papers were filed until a few days later, and the case ultimately, after Evans withdrew, became the Bell case, which was overturned on appeal. Evans was married to Marcus Evans, who was a psychoanalyst in another part of the clinic, was on the Trust’s governing board until he resigned in February 2019 citing concerns over the practice within GIDS, claiming that therapy works but children were often placed on a medical programme instead.

In the interview, Evans conflated (reversible) puberty blockers and cross-sex hormones, stating *“some of the children were being referred on to get hormones at a very young age. At the time it was sixteen. To me it seemed to me a young age. ... I don’t know if the listeners are aware but they’ve lowered the age group for this experimental treatment. It’s an off-licence treatment. The drug was not developed for the purpose for which it’s been used. And I used to be concerned that it was given to sixteen year-olds but now the age limit has been lowered and children as young as perhaps nine or ten are being asked to give informed consent to a completely experimental treatment for which the long-term consequences are not known.”*

What puberty blockers do is pause puberty. If they are not to be prescribed until puberty is almost complete, then you have to ask what is the point? Additionally, a huge amount, probably over half, of medication is prescribed to children off licence, as it is (a) too costly and (b) too ethically difficult for

pharmaceutical companies to undertake the required clinical trials. There is around 40 years of history over prescribing puberty blockers to children.

Hussain did challenge the claimed irreversibility of puberty blockers, prompting Evans to claim *“virtually one hundred per cent of the children who were commenced on this experimental blocker went on to receive cross-sex hormones ... and I don’t believe that children of nine or ten can possibly understand, ... I don’t think a child can possibly comprehend what their future adult life will be like.”* This turned out to be the direct challenge to the Gillick and Fraser guidelines on child competence, but only as far as trans people were concerned. The reported figure of 100% comes from the initial study done by the Tavistock clinic, but probably entirely down to children could only enter the study if they showed consistent signs of distress and were the most likely to be trans. If anything, it showed that the guidelines may have been too restrictive.

Hussain also challenged Evans saying *“the reasons for the kind of symptoms you’re describing is because children aren’t living in their true gender”*, to which Evans replied *“I think that actually many children will be completely convinced that they are the other sex. But I’ve worked with children over a period of time who actually slowly come to terms with who they are. I’m not saying it’s not distressing for them. Adolescents can be distressed over all sorts of things. But what they will eventually come to is some sort of acceptance of themselves. Not everyone, but many of them. Up to ninety per cent of these children could go without medicalisation and that’s what I want to question in court.”* Essentially, she was proposing conversion practices, now illegal in many parts of the world.

*Lord Robert Winston, 9 January 2020*

Towards the end of the programme, Mishal Hussain started a section on the waiting times then experienced by trans people for an initial appointment at one of England’s gender identity clinics. *“More than 13,000 people are waiting for gender identity treatment in England”*. The first three minutes were spent with Mishal talking with a specialist in a GIC, and then a trans man who had been waiting over a year and had sought help from the private sector.

The remaining 4 minutes, 30 seconds was spent with Lord Robert Winston. He started by explaining that there were many different aspects to “gender” – physical, endocrinal, psychological and chromosomal. He then argued *“... frankly we do not understand why people want to change sex in the way it’s happening and my own view is that, unless we have much more research trying to work out why people find themselves in this desperate situation, we run the risk of making mistakes when we start doing transgender procedures occasionally ...”*

Winston’s argument was essentially that more caution was needed, along with longer waits, and questioned whether treating trans people in the way that is done is really the right thing to do.

Hussain was generally sympathetic to the trans man and the specialist, *“I mean the doctor who we heard from a moment ago as well as Jem, there was frustration from both of those parties about the idea that people, once, you know, they have embarked on this, the toll on them, you know, going through these physical symptoms of transition and having to wait to be seen by specialists ...”* before she was interrupted by Winston saying *“Yes, but don’t forget that trying to transition from a female to a male, for example, is really virtually physically impossible ... but still the issue is what is the underlying mechanism, and the probability is, it is actually epigenetic. That is to say something has happened in development very early on, possibly even before fertilisation in parents’ time, and the environment has actually changed some aspect of gender.”* In short, a call to not treat trans people because we don’t know what causes it.

*Selina Todd, 25 January 2020*

Todd was a history professor at Oxford University who was known for expressing views about trans people, and claimed to require a security detail when giving lectures. Webb framed the interview thus: *“the threat comes, she says, from some trans rights activists who say her views on the need to protect women’s spaces from people who self-identify as women but are anatomically male, are unacceptable and must be shut*

down.” Note the use of the term “anatomically male”, a precursor to “biologically male” (see Sir Ed Davey below).

Todd framed her case as follows: *“I think that in the world today, democracy is under threat and that, therefore, we all have to defend the right of people to have freedom of speech and freedom of debate. And I think that also within a democracy, arguments about rights are always current. As a historian, I know that it’s absolutely not the case that, you know, you can just say, well, trans peoples’ rights matter more than women’s rights.”*

Webb probed, stating *“I mean it’s an issue we deal with on this programme quite a lot, when people talk about gay rights and there are some scholars ... who say things that are seen by some groups to attack, not just their policies, their behaviour, but actually their very identity. And that’s the point, I suppose, some trans people make – that as soon as you get into this area, you’re undermining people’s individual selves.”* This was the only substantive intervention he made in the whole interview.

Todd replied *“What I’d say to that comparison, which is very often made, is that in articulating their rights, gay men and lesbians have not sought to say, ergo we are heterosexual. And the issue with current transgender ideology, and I do make a distinction between small groups of trans activists and large numbers of trans people who are just trying to get on and live their lives – but the kind of ideology that’s being put about by trans activists is to say that the definitions of men and women, and particularly women, should be changed.”*

Note the use of the term “trans rights activists”, differentiating them from “large numbers of trans people”, which is a subtle way of positioning campaigners in this area as unreasonable. Also note the reference to “ideology” and changing definitions, when the reality is more complex, but in legal terms, the ones wanting to change the definitions are those who are wanting to delineate them by, essentially, assumed chromosomal sex, excluded trans women from the class of women, and trans men from the class of men, regardless of appearance, physiology, hormonal makeup and numerous other measures.

*Nottingham University students, 13 February 2020*

Webb presented his parts of the programme from Nottingham University, and conducted interviews with students, including Bradley Fox, the then leader of the Student’s Union. The first minute of the interview focused on the pressures of moving away from the parental home and the need to integrate into the city.

Webb then stated *“Gavin Williamson writing in the Times today is saying that the Government is ready to step in. If universities can’t defend free speech, he says, the Government will.”* Fox replied that *“Universities are a place of free speech. That’s something students’ unions across the country 100% focus on. We’re always encouraging our societies to speak openly. University is the place to do it.”*

Webb followed up with *“... one of the things that people are particularly concerned about at the moment is women’s groups, and particularly those women’s groups who represent women who believe that nobody who is anatomically male should be regarded fully as female, as a woman. And they have a lot of trouble in universities right across the country in having their meetings.”* Fox repeated that there wasn’t a problem at Nottingham, and the interview concluded.

Later in the section he interviewed Lee Anderson, MP for Ashfield, who has made a number of public comments that trans people view as incredibly hostile, most recently stated (towards the end of October 2022) *“old traditional working class Labour voters will take a look at Eddie Izzard and think, y’know, is that what’s coming to parliament? I’m going to be honest here, controversial as always. If he does get elected and I’m still here, I shouldn’t be following him into the toilets.”* This is clear dehumanisation and dismissal of Izzard’s identity.

Additionally, three later interviews were partially transcribed:

*Sir Ed Davey, 17 September 2021*

As part of his interview around the Liberal Democrat conference, Justin Webb asked Sir Ed *“Another subject where people criticise you for, as they would see it, facing both ways – and it goes to the heart of, in a sense, liberalism – and that’s the business of safe spaces for women. Do you believe that there should be spaces, places in our society, where biological males can’t go?”*. He reinforced the question soon afterwards – *“So there should not be spaces where biological males cannot go?”*

This was the first time that the term “biological males” had been used in mainstream broadcasting. Up until this point it was a derogatory term used to deny the femininity and womanhood of trans women. The implication of Webb’s question, as understood by trans women and also by Sir Ed, was that trans women are not women and should not be using women’s spaces.

*Baroness Falkner from EHRC, 29 January 2022*

In the 7:50 slot, Nick Robinson interviewed Baroness Kishwer Falkner, the Chair of the Equality and Human Rights Commission. He frames the interview thus: *“Has the Equality and Human Rights Commission stopped caring about, well, equality ... and human rights? That is the charge being made by campaigners for trans rights who are furious that the Commission have called on the Scottish Government to pause its proposals for new law on gender recognition. The Gender Recognition Act would allow trans people to declare their own gender rather than, as now, needed to have a doctor’s diagnosis that they’re suffering gender dysphoria and then having to live for two years in their newly acquired gender.”*

After a discussion about the appointment process, Robinson asks *“You say in your letter from the Commission that you are concerned about what you described as, quote, the potential consequences for individuals and society of extending the ability to change legal sex from a small defined group. Translate that. What are you concerned about?”*

Falkner replies *“... This engages conflicts of rights issues and the perceptions that actions intended to promote the rights of trans people are perceived to conflict with those protecting the rights of women.”*

Robinson responds *“Perceived or do? Perceived or do, Baroness Falkner?”* He then interrupts Falkner’s reply asking *“Give us an example where there might be a clash in your view between women’s rights and trans rights.”*

Falkner responds *“... there is confusion in the Gender Recognition Act versus the Equality Act in the meaning of, um, the legal meaning – and that’s the important part – the legal meaning of, um, gender versus sex. So, for example, trans rights and gender identification, there is no legal status in law of what it means.”*

Robinson interrupts again, asking *“Forgive me, I’m trying to get this to a very practical level though. Are you talking about trans people using women’s changing rooms, girls’ changing rooms? Are you talking about the access to women’s prison? Are these the issues you’re talking about, because you’ll know trans campaigners will say these are a fiction, they’re not real problems, and such as there are, the Equality Act deals with them.”*

This appears to have been the last time when those questioning trans people’s integration in society was challenged on the Today programme, and Robinson did challenge Falkner robustly.

*Nancy Kelley from Stonewall, 11 February 2022*

In the prestigious 7:50 slot, Webb introduced an interview with Stonewall’s CEO as follows: *“What happens when the rights of women and the rights of trans people conflict, in prisons where trans women are housed, or rape crisis centres, or sports fields where women and girls might be asked to compete with trans women?”*

After asking Kelley what the concerns around the Equality and Human Rights Commission were, Webb asked *“There obviously are concerns in Scotland, aren’t there. It’s pretty clear from opinion polling surveys, a lot of Scottish people are, possibly a majority of Scottish people, are worried. Is it not perfectly fair for them to change their mind and say actually we need to look at this more?”* Gender recognition reform was

first seriously proposed by both Westminster and Scottish governments in 2017 and has been one of the most consulted on in history.

Kelley replied “... *the job of an independent human rights institution is not really to arbitrate kind of public debate. It’s to advocate for the rights, the human rights, of all people.*” It’s also worth noting that Scotland has its own human rights commission who didn’t take kindly to the EHRC’s intervention. Recently the Scottish Government’s equalities minister has asked the EHRC for the evidence that underpins its change of heart over gender recognition reform.

Webb then asked “*What about, then, the specific concerns that seem to be, ... that is that, actually not trans people, not trans women, but men might, in some cases, use the rules to be able very quickly and easily to say I am now a woman to get access to women’s spaces; even worse, actually to commit rape and then say that rape has been committed by a woman?*” Webb then interrupts Kelley’s answer, saying “*I’m talking about men abusing the ease with which you can change your gender and those men then being responsible for the abuse and, somehow, the Equalities Commission and others saying there has to be a way of stopping that, and the way of stopping it is to keep the current rules which is where you have to have gender dysphoria and you have to go through quite a few hoops before you can call yourself a trans person.*” Note again, the question is conflating being trans and gaining legal gender recognition.

Kelley replies “*I don’t think the Equalities and Human Rights Commission is saying that or has said that, or at least hope they haven’t yet. I think the, the point here is that, um, men, sadly, do harm and abuse women and they don’t require to pretend to be a trans woman to do that. I think we have to be really careful when we’re thinking about these very extreme edge cases. I’m not aware of any situation in the UK where that’s happened – where someone has pretended to be trans purely for the purposes of accessing a space.*”

Webb then claims “*there are people, there are absolutely cases, aren’t there, where people have, I mean, we don’t know whether they’re pretending or not, but they have said that they are trans, and they’ve been biologically male, and they’ve done terrible things. And in those cases, it is right, isn’t it, that a victim of that kind of crime is not forced to regard that person as a woman.*” No such evidence exists, as was found by the Scottish Parliament’s Committee who found “*when asked about evidence of abuse and concerns, no witness was able to provide concrete examples.*”

Webb moves on to conversion practices, and asks “*The concern seems to be that it might also invite, outlaw, for instance, an advisor that says to someone, perhaps a teenager considering having the various operations and procedures that would allow them then to change their gender, saying to that person, think again, don’t necessarily do it, you might have other troubles in your life, wait, you might be doing something irreparable. Should that, or should that not, be criminal advice?*” Note the implication that teenagers will undergo a “*number of operations and procedures*”.

Kelley replies “*What’s called, you know, normal therapy, talking to a trans person, or indeed a lesbian, gay or bi person, about their gender identity or their sexual orientation, exploring it, exploring whether they are in fact gay, bi, trans, is and should of course remain legal.*”

In response to Webb’s question about what the EHRC is saying, Kelley replies “*They’re saying there isn’t enough evidence, potentially, to ban conversion therapy in its entirety, the kind that is about suppressing or changing somebody’s gender identity. So they’re saying go ahead with banning it for people like me, um, but leave my friends who are trans at risk, not of exploratory conversations, not of supportive conversations, but of conversion therapy in its worst forms.*” Webb interrupts the end of Kelley’s answer.

## Analysis

### Context

The exact number of trans people in the UK are unknown. Due to attempts to confuse the situation, it is very likely that the 2021 census will also not be accurate, although it will give a better indication than the many estimates that have been produced.

Additionally, “trans” covers a wide umbrella of situations and motivations. Estimates of the total number of people who experience some discomfort with the gender assumed from their birth sex varies around 1% of the population. However, the number who seek medical or other intervention to change their public gender presentation on a temporary or permanent basis (“transition” is the term used for permanent change) is understood to be significantly smaller.

The total number of trans people who have gained legal gender recognition since it first became possible in 2005 is around 5,000. It is also understood that most trans people who have transitioned have not applied for legal gender recognition, mainly because of the cost, effort and intrusion required.

By any analysis, we are talking about a small number of people, probably only in the tens of thousands, who would benefit from changes to the law.

Additionally, it is now clearly understood (despite statements from BBC presenters) that access to single-sex spaces does not depend on an individual’s legal sex, acquired either by birth or by a gender recognition process. Statistics have shown that trans women are more likely to experience violence, including sexual violence, than other women. The number of trans women who are convicted of violent crime, including sexual violence, is also extremely low.

There is substantial evidence that the campaign opposing reforms to gender recognition processes (a) is extremely well-funded, including from American far right and evangelical as well as Russian sources, and (b) has spread to attack the very existence of trans people as well as other communities, such as the wider LGBT communities and women’s rights. Number 10 has been repeatedly reported to have set up a unit to use “trans issues” as a political wedge issue.

Those groups set up to oppose legal reform have created a framing which implies that men will abuse any changes so they can claim they are legally women – a framing now repeatedly used by BBC presenters as shown above. Similar processes have now existed in a number of countries for a few years, so any evidence of abuse ought to be clear by now. No such evidence exists, as was found by the Scottish Parliament’s Committee who found, after taking evidence from a number of these groups, *“when asked about evidence of abuse and concerns, no witness was able to provide concrete examples.”*

## Impact

The impact of the media coverage over the past few years on most trans people’s mental health has been devastating. TransActual’s Trans Lives Survey 2021 reported that 93% of participants reported that media reportage had negatively impacted their experience from strangers on the street, that 85% of participants reported that the media coverage had negatively affected relationships with family and friends, and that nearly 40% reported that media coverage had impacted them “very much”.

In line with other media outlets, the BBC has increased its coverage of “trans issues”. However, unlike five or six years ago when trans people were sometimes spoken to rather than spoken about, pretty much all the coverage on News and Current Affairs output is now framed in such a way that trans people, trans women in particular, are a risk to society, especially women and girls, often in a way led by presenters who are supposed to be impartial, while trans people are now pretty much invisible in all of the media coverage.

Trans people have largely given up on the BBC complaints process:

- A detailed analysis of a 2017 documentary into a discredited Canadian specialist, Dr Kenneth Zucker, put forward by Trans Media Watch was rejected by the BBC despite some of the arguments used to reject it contradicting themselves. TMW withdrew the complaint on the basis that the BBC would not use that withdrawal to justify the programme – yet the BBC subsequently justified the programme by referencing the withdrawal.
- A complaint raised in October 2021 about Justin Webb’s use of the term “biological males” was rejected by the BBC as not being transphobic while attempting to explain to the trans complainant why it was not offensive. On appeal, the BBC had nothing to add. Ofcom still haven’t reached a decision.