



Response to the Editors' Code Committee consultation on the Editors' Code of Practice - 2023

As a trans focussed organisation, many of our comments arise in connection with the treatment of trans people. However, many of our comments would equally apply to the treatment of other minorities or less privileged groups.

1. The current guidance seeks to strike a balance between upholding the principle of freedom of expression with the ability to provide redress for people who believe they have been treated unfairly.

However, this duty applies almost exclusively to named individuals (or identifiable legal entities). No protection is provided for (minority) communities who receive such treatment en masse.

There are two issues with this:

- First, it provides carte blanche to media to tilt at unnamed and often fictional groups who have no recourse to complaint because you simply do not recognise those groups. So, we expect many more stories in future to centre statements such as "Trans Rights Activists say...", and there can be no comeback to that.
- In addition, we have been told, by IPSO, in the past, that ascribing made-up statements to such groups is OK, on grounds that those are "the sort of things such groups would say".

This merely deepens the problem and implants a commitment to untruth at the heart of UK Press culture.

2. We were pleased recently to see IPSO remind writers of opinion pieces should be subject to definitions of accuracy as much as everyday journalists. There has been much content published that is wholly inaccurate in recent years, and it is not good enough for newspapers to claim that "opinions" are not subject to the normal process of fact-checking.
3. There are difficult questions around issues of reported speech, and it is our sense that these issues apply to all reporting of minority groups.

We do not believe that accurate reporting of an (anti-trans) slurs used by an individual are especially problematic.

It is also right, especially in court reporting, that the words of alleged victims should be respected.

This does raise wider questions about whether to repeat those words in accompanying descriptive reporting; and, if this becomes the norm for trans people, whether it will infiltrate reporting on other groups. For example, if a witness in a trial used racist or homophobic language to describe their alleged attacker.

4. There is a presumption that intrusion is a bad thing, privacy good. However, both the existing Code, and its operation suggest there is rather less consensus on what constitutes intrusion. Our view is that without a strong public interest reason for doing it, deadnaming is always intrusive and disrespectful.

Doubly so in respect of the recent case of Brianna Ghey, where certain newspapers went out of their way to breach Brianna's privacy in death, even though family and police were not using her deadname.

A major consideration should be around risk to an individual's safety. Many people — cis and trans alike — change name to escape an abuser. In such cases, outing them should never happen without a risk-assessment. Deadnaming of trans people should be subject to the same caution.

5. "The proof of the pudding is in the eating".

Insofar as implementation of the code falls mostly to IPSO, we are also concerned that it is not just the Code that needs to be looked at, but also the way it is used.

We think there is much that is good and useful within the code However, its application is problematic.

The time taken to deal with complaints remains ludicrously long; and any complaint is argued in the narrowest, nit-picking way rather than dealt with in the "spirit" of fairness.

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