

## The BBC's Editorial Guidelines: Consultation Document

We note that on 07 November 2024 the BBC opened a six-week consultation on a revised draft of its Editorial Guidelines. These Guidelines set the standard for the BBC, and reach beyond to apply to all persons and organisations working for or producing content for use by the BBC. As such, we wish to contribute to this public inquiry:

Women's Declaration International (WDI) is an international human rights organization that drafted the Declaration on Women's Sex-Based Rights ('the Declaration' <https://www.womensdeclaration.com/en/declaration-womens-sex-based-rights-full-text/>). The Declaration has been disseminated worldwide. At the time of this writing, the Declaration has 38,943 individual signatories from 160 countries as well as 541 organisational collaborators. The organisation is registered in the UK and Wales since 2021.

We appreciate that as stated in the Consultation Document the BBC sets high standards of truth, accuracy, impartiality, and diversity of opinion while serving the public interest with fair representation. As regulations require, the BBC serves all audiences with impartial, high-quality information.

We call on the BBC to make the following changes in the interests of impartiality and accuracy.

A Use of 'sex' is preferable to use of 'gender'

Where what is being reported on is the biological sex of a person, we ask that the Editorial Guidelines direct editors that the word 'sex' is the most stable and accurate term to use, and that it ought not to be confused with the imprecise concept of 'gender'.

What we would like to bring to your attention, is that the definitions of "gender" and "sex" are clear and straightforward in international law, and these definitions are thus the correct and preferable terms for an organisation such as the BBC, where reporting has international reach.

Sex is defined by the United Nations as "the physical and biological characteristics that distinguish males and females." (Gender Equality Glossary, UN Women)  
Gender, on the other hand, refers to "the roles, behaviors, activities, and attributes that a given society at a given time considers appropriate for men and women [...]. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes." (Gender Equality Glossary, UN Women)

The Committee on the Elimination of Discrimination Against Women, General recommendation No. 33 (2015) on women's access to justice (CEDAW/C/GC/33) states:

Discrimination may be directed against women on the basis of their sex and gender; “gender” refers to socially constructed identities, attributes and roles for women and men and the cultural meaning imposed by society on to biological differences, which are consistently reflected within the justice system and its institutions (para. 7).

The manifestations of “gender” may be different around the globe. In some countries women do all the farm work and, in others, it’s men. In some countries women wear skirts and, in others, men do. In some countries women are the better fighters and, in others, men are. The definition of “gender” is culturally defined based on the sex-role stereotypes in that country.

That is precisely why “gender” cannot be used in place of “sex” and the two should never be conflated. Gender is a description of sex-roles defining “masculine” and “feminine.” Sex is a description of female and male persons. Gender does not describe any actual humans, but the stereotypical roles established under that specific regime.

B ‘Gender reassignment’ is the correct and preferable term to ‘gender

‘Gender reassignment’ is the correct and preferable term to ‘gender identity’. “Gender reassignment” refers to a person who has taken, or proposes to take, actions to change the social and legal gender norms that apply to them – for instance, a man may take actions to obtain a Gender Recognition Certificate and have aspects of the female gender role applied to him socially and in law. These steps are defined in UK law, and the extent to which the female gender role may be legally applied to him is also defined in law – see the current matter of *For Women Scotland Ltd (Appellant) v The Scottish Ministers (Respondent)* in the Supreme Court for an example of the law clarifying details relating to this principle in a transparent and public way. ‘Gender reassignment’ is also fully inclusive of persons who have undertaken steps, as well as persons who intend to undertake those steps. ‘Gender identity’, on the other hand, is defined differently in every culture and is therefore not stable or transparent enough to know or identify. Use of the term ‘gender identity’ in BBC Guidelines, in preference to ‘gender reassignment’, would introduce ambiguity and imprecision into reporting that would impair the accuracy of the BBC’s work, and instantiate a subjective belief system to which many readers within the BBC’s remit do not subscribe.

Much has changed since 2019 regarding “gender” issues with the release of the Cass Report outlining the lack of evidence-based practice and potential harm of gender identity ideology. Due to the recent medical and scientific discoveries, many countries are reassessing their medical protocols.

The BBC’s intended pivot to what it considers ‘impartiality’ ahead of accuracy may have unintended consequences. Impartiality is not false equivalence. To treat climate change deniers as if their statements were equivalent to scientific expertise on the fact of climate change is inaccurate and gives the public false and dangerous information. To treat gender ideologues as if their subjective belief is fact is also false and dangerous.

Impartiality is also not simply repeating the press release of a group. Journalism requires investigating the claims made and the evidence base. As the Cass report showed, many media outlets did nothing of the sort and harm has resulted.

### C Use of 'gender identity' in preference to sex corrupts the reported data

Regarding the discussion in Section 11 of the revised Guidelines about the use of data, many international treaties mention the need for accurate data. The conflation of sex with 'gender identity' leads to the collection of data on violence against women and girls that is inaccurate and misleading because it identifies perpetrators of violence on the basis of their 'gender identity' rather than their sex. This creates a significant impediment to the development of effective laws, policies, strategies, and actions aimed at the elimination of violence against women and girls.

For example, a person exposing his penis on a public street is not a woman, though the police and news outlets have reported these men as such. A person with a penis who sexually assaults a woman is not a woman, yet victims in court have been told they must refer to the defendant with a penis as a woman or themselves face punishment. To state in accurate reporting on these matters that the person exposing himself was a man and that the person who assaulted the victim was a man is not abuse or harassment. It is factual and lived experience.

Take, for instance, the reporting published by the BBC on convicted rapist Adam Graham aka 'Isla Bryson'. In a piece published 27 January 2023, 'Jailing of trans rapist Isla Bryson is 'shambles', says former prison chief', Graham (aka Bryson) is referred to as "she" throughout the piece, in sentence constructions such as: "Bryson, 31, was remanded to the jail in Stirling after being convicted of raping two women before she changed gender." Inaccuracy has been introduced into the reporting by this reliance on 'gender identity' in preference to sex, as under UK law the crime of rape may only be committed by a man because it requires penetration by a penis. The reporting also pertains directly to the concerns over Graham being housed in the female estate – meaning that is obscured and rendered ridiculous by the use of female language and pronouns. On 28 February 2023 the BBC reported again on the case, 'Isla Bryson: Transgender rapist jailed for eight years', and accurately stated that "Lord Scott said Bryson had preyed on his victims because of their vulnerability and raped them in their own homes." [emphasis added] This article was subsequently amended online, however, to remove the sex-based language, and is now only available in archived form in its original text. Rather, both the accurate sex-based language and the inaccurate female-gendered language have been replaced – notably, after public opinion had come out decisively in opposition to Graham's identification as female – with a conspicuous refusal to use any sexed language for the offender, male or female. The BBC replaces clear language with tortured phrases such as a continuous repetition of Graham's name, the phrase "a transgender sex offender," and the phrase "the rapist." It is known that the BBC was receiving complaints from its readers at this stage, as on 18 March 2023, The Times reported that these complaints had been

rejected. The public had spoken, but the BBC rejected them in favour of ideological mis-reporting. Readers would be forgiven for failing to understand whether convicted rapist Adam Graham (aka Isla Bryson) was in fact a woman or a man.

Sex-disaggregated data is also necessary for policy development: “Sex-disaggregated data is data that is cross-classified by sex, presenting information separately for men and women, boys and girls. Sex-disaggregated data reflects roles, real situations, general conditions of women and men, girls and boys in every aspect of society. [...] When data is not disaggregated by sex, it is more difficult to identify real and potential inequalities.” (UN Women, Gender Equality Glossary)

Data collection on violence against women requires that the identification of both the perpetrators and victims of such violence be based on biological sex and not social gender. The failure to collect accurate data creates a significant impediment to the development of effective laws, policies, strategies, and actions aimed at the elimination of violence against women and girls. The inability to keep accurate statistical records in every context means that male violence and exploitation against women and girls is hidden as illustrated by the examples above.

D Accurate references to the sex of a person are not prima facie abuse or harassment

As the BBC rightly points out, some views may be included that offend others. That is simply the price of democracy. Everyone has the right to free speech (within limits as every right has limits); and, as corollary to this, no-one has the right to demand they never be uncomfortable or offended. Citizens participating in a reasoned discussion may well be offended or uncomfortable with ideas or experiences novel to them. That is part of education and growth. That is why we need an educated citizenry to debate reason over propaganda or lies.

We appreciate that the “denigration of beliefs of others” has been removed in Section 14.

The common law offences of blasphemy and blasphemous libel were formally abolished in England and Wales in 2008 and Scotland in 2024. Whether someone holds a strongly-held belief does not mean that belief or the ramifications of that belief are not open for criticism. People hold strong beliefs about abortion or BREXIT or Sinn Féin or whether a depiction of the Islamic prophet can be shown, but those beliefs are all open to be challenged.

Likewise, someone may have a strongly-held belief that they are a woman, but that belief must be able to be challenged without violence toward the challenger. Unfortunately, violence is a common response to gender critical women. The BBC, with its charter as an impartial and independent reporter, must not endorse a new blasphemy that denies the right to disagree with someone’s belief on this topic only.

In the draft Guidelines, Sec. 5.1, it must be clarified that simply identifying someone's sex accurately is not in itself abuse or harassment. Disagreement about someone's sex or gender identity is also not abuse or harassment in itself any more than disagreeing with someone on whether they are qualified for a certain position or effectively showcasing their skills or have written a persuasive letter to the editor.

In Sec. 5.4.43 the Guidelines state that:

Material which contains abusive or derogatory treatment of individuals, groups, religions or communities, must not be included in output unless it is justified by the context. Material may constitute hate speech if it is likely to encourage criminal activity or lead to disorder. It includes all forms of expression which spread, incite, promote or justify hatred based on intolerance on the grounds of disability, ethnicity, sex, gender reassignment, nationality, race, religion or sexual orientation.

Those who have opposed certain ideas, such as that men can become women by medical means, have been treated abusively not just in words but with physical violence and financial and psychological attacks. They have been doxxed, fired, deplatformed, and threatened. Those ideas may not be popular to some, but ending the Atlantic Slave Trade was not popular with many when the movement started. Women voting was not popular when the Pankhursts were agitating. Both ideas eventually prevailed.

While we agree no one should be treated abusively, that includes those with a currently unpopular opinion. Free speech assumes a level playing field. That has not been the case thus far. We hope these new Guidelines will rectify that.

As the Guidelines state in 5.4.50, when a society has a very diverse population, covering the news may reflect the stereotypes and prejudices that exist. Put in context, that coverage can be used to reduce the prejudices and end the stereotypes. The definition of "gender" is based entirely on stereotypical assumptions about the behavior and appearance of women and men. The solution is not to reify "gender" but to eliminate the stereotypes. Let people be who they are without pressure to conform to a certain role. Every person deserves the same equality, dignity, and respect. WDI works to abolish sex-roles and set everyone free. Maintaining sex-roles enslaves both women and men.

While WDI agrees with Guideline 8.4.3 that "Material that contains hate speech should not be included in output unless it is justified by the context. Broadcasting hate speech can constitute a criminal offense if it is intended to likely to stir up hatred relating to race, or intended to stir up hatred relating to religious belief or lack of religious belief, disability, sexual orientation or transgender identity," we must reiterate that simply stating a person's sex accurately is not hate speech.

Thank you for the opportunity to weigh in on the new Guidelines.