

Ms Keira McCormack v Sunday Life

Clauses noted: 12

Ms Keira McCormack complained to the Press Complaints Commission that an article headlined "Tranny worked in rape centre", published in the Sunday Life on 1 November 2009, was discriminatory in breach of Clause 12 (Discrimination) of the editors' Code of Practice.

The complaint was upheld.

The article reported concerns that the complainant, a male-to-female transsexual, had worked as a rape counsellor in Belfast. The article referred to the complainant as a 'tranny', both in the headline and the main text, in addition to describing her as 'strapping' and 'burly'. The complainant said the term 'tranny' was deeply insulting.

The newspaper said that no offence had been intended in the use of the word 'tranny', which it considered to be widely used in articles about transsexuals and transvestites. Additionally, while the complainant may not have appreciated the adjectives to describe her build, these were relevant in the context of the story.

The complainant said that there was a significant difference between transvestites and transsexuals, arguing that the term tended to be used by the former and not the latter.

Adjudication

While the newspaper was entitled to publish a story about people's concerns over the suitability of the complainant's employment, her gender identity should not have been open to ridicule. Taking into account the full context of the piece, the Commission considered that the use of the word 'tranny' - which was a needless abbreviation, held by many to be offensive - was pejorative. The complaint was upheld on this point.

The complainant made a number of other complaints, both about this article and a follow-up piece headlined "Rape expert slams Keira appointment", published on 8th November. In particular, the complainant said that the coverage had 'outed' her as a transsexual, included a photograph of her in a private place, and generally represented an unjustified intrusion into her private life in breach of Clause 3 (Privacy). She further argued that publication of the articles breached Clause 4 (Harassment) of the Code.

In terms of Clause 1 (Accuracy), the complainant said that some statements made by her ex-wife were inaccurate, and that it was incorrect to state that she had legally changed her name in January 2008 (in fact, she had done so in 2005). The newspaper had not offered her an opportunity to reply to either article.

The newspaper said that the articles highlighted the concerns of experienced rape crisis experts about the suitability of employing a transsexual individual to counsel women who had suffered the trauma of rape or other sexual abuse. It argued that this was a matter of genuine public interest and, as such, it was justified in reporting the complainant's gender reassignment. Moreover, the photograph of the complainant had been taken from the street while she was on the open driveway of a friend's home in a large housing estate. She would have been visible to the public at the time.

The newspaper said that it had attempted to speak to the complainant at the time the photograph was taken. However, a friend of the complainant had physically blocked access to her, making clear that she did not wish to make any comment. The complainant disputed this, reiterating that she had

not been approached by the newspaper. She had also been under the impression that the reporter had been from a separate Sunday newspaper.

In regard to the accuracy points, the newspaper said that the comments from the complainant's ex-wife had been reported accurately. It accepted, however, that the reference to the name change had been incorrect, and offered to publish a correction on the point.

The complainant did not accept that the article was in the public interest. She said she had worked for Rape Crisis Centres for almost a decade, and that clients could opt not to speak to her if they did not consider it to be appropriate.

Adjudication

The Commission understood that the complainant considered the publicity about her gender reassignment to be unwelcome, but, as it has already noted, the newspaper was entitled to report people's concerns about her suitability as a rape counsellor. Accurate reporting of this story would necessarily have involved a reference to her gender, and the process behind the reassignment. The Commission considered that there was a public interest in the newspaper's scrutiny of this area, in light of her public role helping women who suffered trauma and the comments of some people in response to it. There was no breach of Clause 3 of the Code as a result.

In terms of the photograph of the complainant, it appeared to have been taken in an outdoor location where she would have been visible and identifiable from the street. The Commission generally holds that people do not have a reasonable expectation of privacy - in the sense of the Code of Practice - in such places. Clause 4 relates to physical harassment by journalists as part of the newsgathering process, and not to a newspaper's decision to publish a series of articles on one topic.

Under Clause 1, the Commission considered that the alleged inaccuracies - such as whether the complainant was a quantity surveyor when she met her former wife - were not generally matters of significance. The newspaper had offered to correct the one point of greater significance - relating to when she had changed her name - and there were therefore no matters for the Commission to pursue under Clauses 1 or 2.

Adjudication issued 04/01/2010