

International Olympic Committee (IOC)

*Exploring the
Participation of
Transgender and Intersex
Athletes In Competitive
Sports*

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I. INTRODUCTION

The participation of transgender and intersex athletes in competitive sports has evolved significantly over time, reflecting broader societal shifts in understanding gender and inclusivity. This issue started in the 1930s when women who didn't fit gender stereotypes began to be questioned. Women who had masculine traits or performed better than their peers were doubted and accused of being men pretending to be women. This instituted a series of gender checks that by the 1960s became mandatory. An example of this is Stella Walsh, she had very masculine features and looked like what society would consider a man, yet she competed in the women's division. Her gender was constantly questioned and she had to undergo a series of intrusive gender verifications where she was asked to pull down her pants and confirm she had female genitalia. After her death, her autopsy showed she was intersex and although she had female genitalia she also had male reproductive organs.

The story of Stella Walsh originated a strong need for gender verification for athletes. Medical professionals such as endocrinologists and geneticists have long opposed the gender verification of female athletes (Dickinson et al., 2002). Invalid screening tests, a lack of awareness of intersex issues, the unfair separation of women based solely on test results, and the shame and psychological distress faced by those who test positive for high levels of testosterone are among the most prominent issues.

Laboratory-based genetic testing has not revealed any real sex impostors, although gender verification processes have caused significant injury to several female athletes who were born with very uncommon genetic defects. Individuals with chromosomal mosaicism, partial or total androgen insensitivity, and 5-alpha-steroid-reductase deficiency, among those with sex-related genetic abnormalities who were reared as females, should've not been stigmatized or ostracised because they did not possess an unfair physical advantage (Dickinson et al., 2002). Yet the form of testing was invasive and raised ethical concerns, so later in 1966, chromosome testing became obligatory to exclude intersex people. The International Olympic Committee formally outlawed mandatory gender testing in 1999, however, athletes may still be evaluated if their gender identity is in doubt.

An ad-hoc committee set up by the IOC Medical Commission met in Stockholm on October 28, 2003, to deliberate and make recommendations on the involvement of people who have undergone sex reassignment (from male to female and vice versa) in sports ("IOC

Approves Consensus With Regard to Athletes Who Have Changed Sex,” 2004). The previous suggestion that "individuals undergoing sex reassignment of male to female before puberty should be regarded as girls and women " (female) is now confirmed by the group. This also holds true for those who are undergoing gender reassignment, in which case they belong in the category of boys and men (“IOC Approves Consensus With Regard to Athletes Who Have Changed Sex,” 2004). In 2016, The IOC made modifications. Those who change their gender from female to male are now free to compete without any restrictions. Transgender athletes who want to participate in female competitions do not need to have reassignment surgery performed on them; however, they do need to provide proof that their serum total testosterone level has been below 10 nmol/L for a minimum of 12 months before their first competition (*Gender Testing at the Olympic Games*, n.d.).

Currently, Trans people have been a subject of discussion and have been receiving a lot of backlash from conservatives. There are currently 593 anti-trans bills trying to be passed in the US (*2024 Anti-Trans Bills: Trans Legislation Tracker*, n.d.). It is estimated that 43% of America is in favor of these bills being passed (*Majority of Americans Reject Anti-trans Bills, but Support for This Restriction Is Rising*, 2023). This shows just how controversial the debate on trans people is. The current debate surrounding the participation of transgender and intersex athletes in competitive sports is deeply polarised, centering on the complex relationship between fairness in competition and the principles of inclusivity and human rights. Critics of the inclusion of transgender women (male-to-female athletes) argue that these athletes may retain inherent physical advantages from male puberty, such as greater muscle mass, strength, and endurance, even after undergoing hormone therapy (Hilton & Lundberg, 2020). This, they contend, could compromise the integrity of women's sports by creating an uneven playing field. On the other hand, advocates for inclusion emphasize the importance of respecting individuals' gender identities and ensuring that sports remain accessible to all, regardless of gender.

The International Olympic Committee (IOC) revised its guidelines in 2015 to allow transgender women to compete in the women's category without requiring surgery, provided they maintain their testosterone levels below a specified threshold for at least one year. These policies are frequently reviewed and remain subject to ongoing debate and potential revision. Scientific research into the effects of hormone therapy on athletic performance continues to give mixed results. Some studies indicate that while testosterone suppression reduces muscle

mass and strength, transgender women may still retain some physical advantages over cisgender women, fueling arguments for more regulations. At the same time, the complexity of intersex conditions where individuals are born with atypical chromosomal, gonadal, or anatomical sex characteristics adds another layer of complexity to the debate. High-profile cases like that of Caster Semenya, who has naturally high testosterone levels due to a condition known as hyperandrogenism, have spotlighted the challenges faced by intersex athletes under current regulations and have led to legal battles and heightened scrutiny of testosterone-based eligibility criteria (Sport, 2023).

Ethical considerations also play a crucial role in this debate. Many argue that the principles of fairness in sports should be carefully balanced with the need to prevent discrimination and promote inclusivity. Human rights organizations advocate for policies that avoid stigmatizing or excluding athletes based on their gender identity or biological characteristics, emphasizing the broader societal implications of such exclusion. This perspective underscores the importance of creating inclusive environments that support the mental health and societal acceptance of transgender and intersex individuals. Cultural attitudes towards gender and sports vary significantly across regions, further complicating the landscape of public opinion and policy-making. In some areas, there is greater acceptance and integration of transgender and intersex athletes, while in others, resistance remains strong, reflecting differing societal norms and values. These cultural variances influence the development and implementation of policies, leading to a diverse and often contentious landscape. In summary, as scientific research progresses and cultural perspectives evolve, sports organizations will likely continue to adapt their policies to balance these complex and often competing concerns, striving to foster a fair and inclusive environment for all athletes.

II. History of the Problem

The participation of transgender and intersex athletes in competitive sports has evolved significantly over time, reflecting broader societal shifts in understanding gender and inclusivity. This issue started in the 1930s when women who didn't fit gender stereotypes began to be questioned. Women who had masculine traits or performed better than their peers were doubted and accused of being men pretending to be women. This instated a series of gender checks that by the 1960s became mandatory. An example of this is Stella Walsh, she had very masculine features and looked like what society would consider a man, yet she

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III. CURRENT SITUATION

After many consultation processes made by the International Olympic Committee, it released a new framework in 2021 based on inclusion, and non-discrimination on gender identity and sexual variations. The new framework acknowledges the main criteria of gender, ensuring fairness primarily in the women's category. It seeks to promote a safe environment for everyone involved in the competition, taking into account the principles stated in the Olympic Charter. The document was issued as a commitment to human rights, and as an action to ensure gender equality and inclusion. The International Olympic Committee recognizes that it must be within the remit of each sport and its body to determine whether an athlete may possess a disproportionate advantage over their peers. Sports bodies, the organizations governing sports, must be ethical, culturally aware, and legally relevant in their specific contexts..

The above-named framework was developed following an extensive consultation with the athletes and stakeholders concerned, including community members, International Federations and other organizations, human rights, legal, and medical experts. The

framework also recognizes the need to ensure that everyone, regardless of their gender identity or sex variation, can practice sports in a safe, free-of-harassment environment that can recognize and respect their needs and identities. Even though organized sports competitions are divided into men's and women's categories, the new principles aim to ensure that competitions are fair and safe and that athletes are not excluded because of their transgender identity or sex variations.

Some eligibility criteria are set to regulate participation in women's and men's competitions, requiring such participation to be carried out following the internationally recognized human rights, evidence, and medical privacy rights. Precautions are taken to avoid causing harm to the health and well-being of the athletes. The principles of inclusion and non-discrimination should be promoted and defended at all levels of sports (*IOC Releases Framework on Fairness, Inclusion and Non-discrimination on the Basis of Gender Identity and Sex Variations*, 2021).

These regulations are regularly examined and they are still up for discussion and possible amendment. The effects of hormone therapy on sports performance are still being studied scientifically, with conflicting findings. There are calls for more regulations since some research shows that transgender women may still have certain physical advantages over cisgender women even when testosterone suppression affects muscular mass and strength. The complexity of intersex disorders, in which people are born with abnormal gonadal, chromosomal, or anatomical sex traits, further complicates the discussion. A gender eligibility test put in place by the International Boxing Association disqualified two athletes, Imane Khelif of Algeria and Lin Yu-ting of Taiwan, from the 2023 World Boxing Championships despite their approval to compete in the Olympics in Paris by the International Olympic Committee (IOC) (Writer, 2024). During the most recent Olympics Imane Khelif received a lot of controversy after her match mate forfeited claiming she had never felt a punch like that and assured the public that it was likely due to her being a man. A gender test confirmed she was a female that did have a high testosterone level but was born a woman. Her own father took to social media to show her birth certificate proving she was born a woman yet that did not stop the public outrage from the left using multiple forms of cyberbullying such as cartoons, videos, and other forms of media. This led to a lawsuit against Elon Musk and JK Rowling.

In this debate, ethical issues are also quite important. Many contend that the necessity to stop prejudice and advance inclusivity must be carefully balanced with the values of fairness in athletics. Human rights organizations highlight the wider societal ramifications of exclusionary regulations that prevent stigmatizing or excluding athletes on the basis of their gender identity or biological traits. This viewpoint emphasizes how crucial it is to create inclusive settings that promote the mental health and social acceptance of people who identify as transgender or intersex. Regional differences in cultural attitudes regarding gender and sports further muddle the terrain of public opinion and policy-making. Transgender and intersex athletes are more accepted and integrated in some communities than in others, where hostility to these groups persists due to varying social norms and beliefs. These cultural differences have an impact on how policies are developed and put into practice, creating a varied and frequently divisive environment. In conclusion, sports organizations will probably continue to modify their regulations as scientific knowledge advances and cultural viewpoints change in an effort to strike a balance between these intricate and frequently conflicting concerns, working to create an atmosphere that is fair and inclusive for everyone.

IV. UN ACTIONS

The United Nations has expressed concern about the barriers that people may face in competitive sports. As such, the United Nations had seen the necessity to formulate a political position directed towards stakeholders and States to ensure the right of all to the participation in cultural life, sports, and games; tackling discrimination against people of all genders. The UN has also urged to review standards of inclusion of intersex and trans persons to ensure compliance with the United Nations Guiding Principles on Business and Human Rights.

During the last years, the United Nations has noted severe inequalities, such as limited access and exclusion by gender and body stereotypes, bullying, and harassment at an individual or collective level (as an example homophobic chanting in sports stadiums and online). The experts in the IOC committee also expressed concern at the attempts to use the male-female categorization in sports as justification for the exclusion of trans women and women with intersex variations from female categories. As a consequence, the exclusion of different genders has led to the adoption of restrictive measures in law and policy and sporting bodies alike. The experts expressed their concern by stating that the categoric exclusions of trans and intersex women from women's sports are considered a violation of human rights obligations under the principle of nondiscrimination, and their right to privacy.

As an additional comment, they mentioned being worried by the offensive and hateful targeting of trans and intersex people in social media and public discourse, as most of the time is linked to their self and bodily autonomy, having a strong impact on their physical and mental integrity.

This is closely linked to the concept of fairness, emphasizing the importance of upholding fairness in sports. Recognizing the differences between human bodies is essential for promoting and protecting fairness in each discipline. The IOC stated that sports organizations must remain committed to the fairness of competition by considering relevant factors such as sexual orientation and sex characteristics (United Nations Human Rights, 2023).

Lastly, the main way in which the UN has taken actions in relation to this situation is advocacy. Numerous decisions emphasized the need to eradicate discrimination based on gender identity and sexual orientation by the UN Human Rights Council. In order to defend the rights of LGBTQ+ people, these resolutions urge member states to enact and uphold legislation that forbids discrimination in all spheres of society, including sports (*Cooperation With the UN*, n.d.). These resolutions provide a foundation for advocacy campaigns and offer a strategy for promoting inclusive policies around the world. An Independent Expert on safeguarding against violence and discrimination on the basis of sexual orientation and gender identity was appointed by the UN Human Rights Council (OHCHR, n.d.). The evaluation of the application of international human rights standards concerning gender identity and sexual orientation is within the purview of this expert. They engage in discourse with governments, try to increase public understanding of issues impacting LGBTQ+ people, and suggest policies to counteract violence and discrimination (OHCHR, n.d.). This involves promoting inclusive sports practices and policies that value and safeguard athletes who identify as transgender or intersex.

V. POSSIBLE SOLUTIONS

1. Tailored Eligibility Criteria

- **Solution:** Develop sport-specific eligibility criteria that account for the unique physiological demands of each sport. This would include customized adjustments

such as weight classes, hormone level thresholds, muscle mass, or other relevant physical factors, based on rigorous scientific research. For instance, some sports might place a higher emphasis on endurance, while others rely more heavily on strength or speed, meaning eligibility criteria can be adapted accordingly.

- **Impact:** By tailoring the criteria to the specific demands of each sport, this solution promotes a fairer playing field, allowing athletes to compete under conditions that acknowledge the diversity of physiological profiles. It also helps in reducing controversies and complaints around perceived advantages, fostering an environment where every athlete's capabilities are judged in a sport-relevant context. This approach ultimately supports more equitable competition standards.

2. Individual Assessments

- **Solution:** Establish a framework for individualized assessments, allowing athletes whose eligibility might be questioned to undergo evaluations tailored to their particular physical and medical profiles. This could include tests that evaluate hormone levels, physical performance, and other factors that influence athletic ability in that specific sport. Medical professionals and sports scientists would conduct these assessments on a case-by-case basis to ensure accuracy and fairness.
- **Impact:** This approach enables a more detailed and personalized evaluation, recognizing that a one-size-fits-all solution may not be appropriate for every athlete. By assessing each individual on their specific characteristics, the system respects the complexity of human diversity and promotes fairness. Athletes would feel more supported, and the sport's governing bodies could make more informed decisions that do not unfairly exclude or advantage certain individuals based on blanket criteria.

3. Separate or Open Categories

- **Solution:** Introduce additional competition categories or establish open divisions where athletes of varying gender identities and physical characteristics can participate. This could be applied to certain sports where physiological advantages

have been particularly contentious, creating a space that embraces inclusivity while minimizing debates about competitive fairness.

- **Impact:** Separate or open categories would help to include athletes who may not fit into traditional categories but are still passionate about competing. This solution would reduce exclusion and allow for greater participation without compromising fairness in other categories. It provides a meaningful alternative for athletes across the gender spectrum, fostering a more inclusive sports environment that recognizes diversity while still respecting competitive integrity.

4. Enhanced Research and Data Collection

- **Solution:** Increase funding and support for ongoing research into how physiological differences, such as muscle mass, bone density, and hormone levels, impact athletic performance across various sports. Gather extensive data to form an empirical basis for policy decisions, enabling adjustments that reflect real, evidence-based advantages or limitations. This research should be conducted by interdisciplinary teams, including sports scientists, endocrinologists, and physiologists, to ensure comprehensive insights.
- **Impact:** By basing policies on robust scientific data, sports governing bodies can make more informed, fair, and objective decisions. This data-driven approach allows rules and eligibility criteria to evolve with new findings, ensuring that the standards remain relevant and grounded in evidence. It also enhances credibility, as stakeholders—including athletes, fans, and governing bodies—can trust that decisions are made on a solid scientific foundation, promoting greater acceptance of fairness policies.

5. Legal and Ethical Oversight

- **Solution:** Create independent oversight bodies tasked with monitoring the application and enforcement of fairness policies across sports organizations. These bodies would be responsible for evaluating whether rules are applied consistently and ethically, investigating complaints, and ensuring that athlete

rights are upheld. This oversight should also incorporate a review of policies based on ethical frameworks, protecting athletes from potential discrimination or bias.

- **Impact:** With a dedicated body ensuring consistent application of rules, athletes and sports organizations can trust that fairness policies are implemented without prejudice. This oversight promotes transparency and accountability, helping maintain the integrity of sports competitions. By providing a channel for addressing ethical concerns, the oversight body also ensures that the rights and well-being of athletes are prioritized, fostering a respectful and just sports environment.

VI. COUNTRIES INVOLVED

1. United States

The United States has been highly influential in shaping global discussions on the participation of transgender and gender-nonconforming athletes. At the high school and collegiate levels, debates have intensified, especially with organizations like the National Collegiate Athletic Association (NCAA) implementing specific guidelines on transgender participation. The NCAA allows transgender women to compete in women's sports provided they meet particular hormone regulation requirements. These policies aim to balance inclusivity with fairness in competition, though they have sparked both support and controversy. Several U.S. states have taken their own stances, leading to legal challenges and varying policies across the country. Some states have passed legislation that restricts participation in women's sports based on assigned gender at birth, arguing for competitive fairness. This legal landscape has created disparities in how transgender athletes can compete, depending on location. At the same time, advocacy groups like the Human Rights Campaign continue to support policies that favor inclusivity and equal rights in athletics, emphasizing the importance of fair and respectful treatment of all athletes.

The national discourse is highly polarized, with public opinion divided on how to balance inclusivity and fairness. The U.S. remains a central figure in the global conversation on athletic eligibility, influencing policies and fostering debate that impact international sports organizations

Japan

Japan's involvement in discussions surrounding transgender athletes has largely stemmed from its role as a host of international events, including the 2020 Tokyo Olympics. Although Japanese society is traditionally conservative on gender-related issues, the visibility of global sports events has accelerated discussions on inclusivity. During the Tokyo Olympics, Japan, along with the International Olympic Committee (IOC), adapted its policies to be more inclusive, allowing transgender athletes to compete, provided they met IOC criteria.

Domestically, Japan is gradually moving toward more inclusive policies, though change has been slow due to cultural factors. Public awareness around gender inclusivity is increasing, with advocacy groups working to shift perceptions. Japan's approach remains cautious but progressive, reflecting a balancing act between traditional values and the need to align with global standards in sports.

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Russia

The UK has taken significant strides in establishing inclusive guidelines for transgender athletes. Organizations such as UK Sport and the Football Association

(FA) have been proactive in creating frameworks that aim to ensure fair competition while supporting inclusivity. In particular, the FA has outlined eligibility rules that include hormone thresholds and individualized assessments for transgender athletes, emphasizing a case-by-case approach to uphold both fairness and respect for diversity.

Recently, the UK's Sports Council Equality Group (SCEG) issued guidance recommending that sports organizations create separate or adapted categories when needed to maintain fairness, while still promoting inclusivity in other areas. This approach reflects an evolving stance, acknowledging the complexities involved in balancing physiological differences with a commitment to inclusivity.

The UK has also contributed to research on gender diversity in sports, influencing policies internationally. By encouraging public discourse and engaging with both advocates and critics, the UK aims to set a thoughtful, evidence-based precedent for other nations to follow.

Australia

Australia has been actively involved in creating inclusive sports policies, with organisations like the Australian Sports Commission leading efforts to ensure that transgender athletes are welcomed in competitive sports.

South Korea

South Korea is in the early stages of addressing the participation of transgender athletes in sports. The cultural and social discourse is still developing, with a gradual shift toward more inclusive practices.

Brazil

Brazil has been involved in global discussions on inclusivity, especially given its role as a host of international sporting events like the Olympics. The country is working on balancing inclusivity with competitive fairness.

Turkey

France

Germany

Canada

Greece

Sweden

Italy

Spain

South Korea

Norway

China

Portugal

Saudia Arbia

Quatar

Mexico

Chile

Slovenia

Croatia

Poland

Hungary

Romania

Albania

Guatemala

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