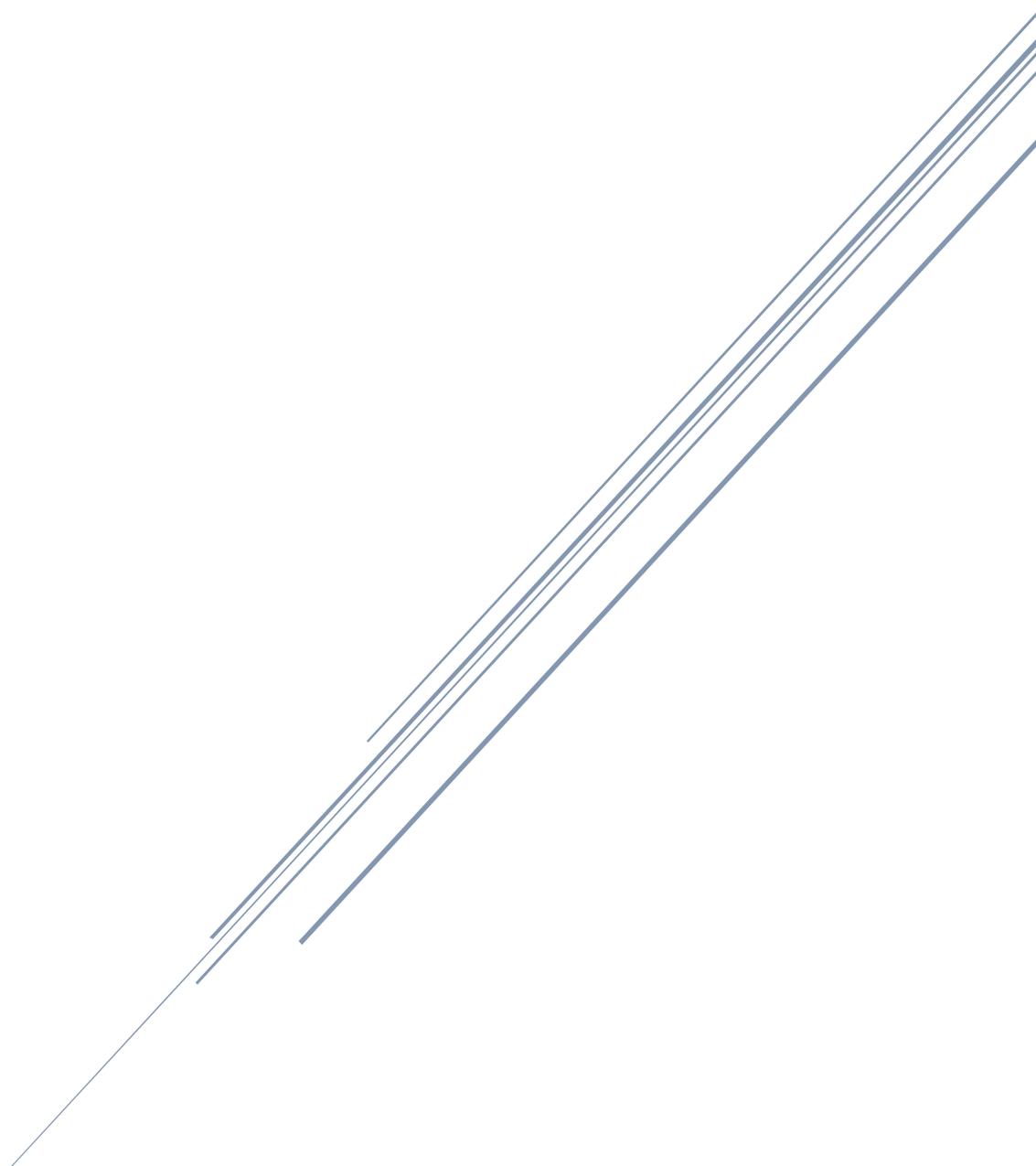


INTERNATIONAL POLICY REVIEW 2021

SCEG Project for Review and Redraft of Guidance for
Transgender Inclusion in Domestic Sport 2020



Carbmill Consulting

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Introduction

Jurisdiction over international policy on the inclusion and exclusion of people within the categories of the sex binary has historically rested with the International Olympic Committee (IOC). In keeping with the ethos of the Ancient Olympics (when the female role was to place a laurel on the head of the winning male athlete), when the modern Olympics were first launched in 1896 there was no female competition. Baron Pierre de Coubertin, the founder of the modern Olympics, believed women's sport was 'against the laws of nature'.

However, from 1900, limited female events were added to the Olympic competition, and events for both sexes increased across all sports over the years, with females achieving virtual parity in 2016.

During the first half of the twentieth century there were several recorded cases of males competing successfully in the female events at World Championships and the Olympics. From our research, there is no recorded cases of females successfully competing as males at the Olympics. Hence participation in the male category was considered unproblematic.

It was deemed necessary to define the female category, and at the time the available 'evidence' lay only in physical and medical examination to define the 'masculinity' or 'femininity' of the competitor, as to whether they would be eligible for female events. Initially, 'parades' of female athletes and physical examinations took place at Championships during the mid-1960's and 1970's. These procedures rapidly fell out of favour. Efforts were made to find a non-confrontational test which confirmed 'femaleness', and this was first trialled in 1968 by detection of the second X chromosome in the cell nucleus from a buccal smear test (an oral swab, similar test in practice to one of the tests for the Covid Virus). Genetic testing for the Y chromosome was also trialled.

The chromosomal test could be used as a screening tool: If an athlete had two X chromosomes she was cleared to compete. Should an athlete not have evidence of two X chromosomes then medical/physical examination was used to determine whether her phenotype was feminine or masculine. In other words, the examination was used to determine if there was physical evidence of androgyny (primarily in musculoskeletal and genital development) from anabolic/androgenic hormones (in particular, testosterone). It was recognised that the genetic testing has both false positives and false negatives in less than 1% of cases, due to the chromosomal variation of intersex and other hormonal abnormalities. However, it was considered that further investigation and examination should determine accurately those who are phenotypically female, and those who are not. The testing was carried out with due consideration to athlete confidentiality, but this secrecy also raised concerns regarding the process and outcomes of testing.

During the 1970's to 1990's Olympic female competitors were tested prior to competition to determine eligibility, and it is believed there were no cases of males entering female competition during this period. Other agencies also undertook testing procedures and there are reported cases in which

incorrect outcomes resulted in athletes being erroneously disbarred from competition, probably due to lack of expertise to interpret results and clinical findings. However, in the 1996 Olympics it is reported there were a handful of female athletes for whom chromosomal testing revealed a single X chromosome (and therefore likely to be XY and androgen insensitive) who were correctly deemed eligible to compete after further investigation. Surveys at the time indicated the tests were well received by female athletes. (Ljungqvist 2000, IOC Encyclopedia Women in Sport).

The genetic testing of athletes was abandoned for the 2000 Olympics.

No replacement testing was instituted: Instead, it was mooted that because athletes were required to urinate in front of a chaperone during dope tests, this would serve as quasi testing for the sex of the athlete.

On 28 October 2003, an ad-hoc committee convened by the IOC Medical Commission met in Stockholm to discuss and issue recommendations on the participation of individuals who have undergone sex reassignment (male to female and converse) in sport. The subsequent 'Stockholm Consensus' was the first iteration of international inclusion for transgender people in elite sport.

IOC Consensus Statement: 2003



Summary of IOC Statement (2003):

“The group recommends that individuals undergoing sex reassignment from male to female after puberty (and the converse) be eligible for participation in female or male competitions, respectively, under the following conditions:

- Surgical anatomical changes have been completed, including external genitalia changes and gonadectomy
- Legal recognition of their assigned sex has been conferred by the appropriate official authorities
- Hormonal therapy appropriate for the assigned sex has been administered in a verifiable manner and for a sufficient length of time to minimise gender-related advantages in sport competitions.

In the opinion of the group, eligibility should begin no sooner than two years after gonadectomy.

It is understood that a confidential case-by-case evaluation will occur.

In the event that the gender of a competing athlete is questioned, the medical delegate (or equivalent) of the relevant sporting body shall have the authority to take all appropriate measures for the determination of the gender of a competitor.”

The Stockholm Consensus was maintained by the IOC and competing Olympic sports for the 2004-2012 Olympics. It is not reported that any transgender athletes have competed at the Olympics during this time.

A further meeting of the IOC Medical Commission in 2015 resulted in the following Consensus Statement:



IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism November 2015

Participants: Prof Dr Uğur Erdener Chairman, IOC Medical & Scientific Commission; Prof Arne Ljungqvist Former Chairman, IOC Medical Commission; Dr Stéphane Bermon Monaco Institute of Sports Medicine & Surgery, IAAF Medical & Scientific Senior Consultant; Michael Beloff, QC Barrister, Blackstone Chambers; Prof Gerard Conway Professor of Clinical Medicine, University College London; Prof Myron Genel Professor Emeritus of Pediatrics and Senior Research Scientist, Yale Child Health Research Center Yale University School of Medicine; Ms Joanna Harper Chief Medical Physicist, Radiation Oncology, Providence Portland Medical Center; Prof Angelica Linden Hirschberg Department of Woman & Child Health, Division of Obstetrics & Gynaecology, Karolinska Institutet; Prof Dr Maria Jose Martinez Patino Faculty of Sport Sciences, University of Vigo; Prof Martin Ritzén Professor Emeritus, Dept of Woman and Child Health Karolinska Institutet; Dr Eric Vilain Professor of Human Genetics, Pediatrics and Urology Director, Center for Gender-Based Biology Chief, Medical Genetics, Department of Pediatrics Co-director, Clinical Genomic Center; David Geffen School of Medicine at UCLA; Jonathan Taylor Partner, Bird & Bird; Liz Riley Barrister, Bird & Bird; Dr Robin Mitchell Vice-Chair, IOC Medical & Scientific Commission; Dr Rania Elwani Member, IOC Medical & Scientific Commission; Dr Vidya Mohamed-Ali Member, IOC Medical & Scientific Commission; Prof Yannis Pitsiladis Member, IOC Medical & Scientific Commission; Dr Richard Budgett IOC Medical & Scientific Director; Dr Lars Engbretsen IOC Head of Scientific Activities; Christian Thill IOC Senior Legal Counsel.

Transgender guidelines

- A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.
- B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all
- C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.
- D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.
- E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
- F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
- G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

1. Those who transition from female to male are eligible to compete in the male category without restriction.

2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - a. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - b. The athlete must demonstrate that her total testosterone level in serum has been below 10 nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
 - c. The athlete's total testosterone level in serum must remain below 10 nmol/L throughout the period of desired eligibility to compete in the female category
 - d. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.

The following is an extract from an article by Stephen Wilson, London, of The Associated Press, published January 24, 2016.

Transgender athletes should be allowed to compete in the Olympics and other international events without undergoing sex reassignment surgery, according to new guidelines adopted by the IOC.

International Olympic Committee medical officials told The Associated Press on Sunday they changed the policy to adapt to current scientific, social and legal attitudes on transgender issues.

The guidelines are designed as recommendations – not rules or regulations – for international sports federations and other bodies to follow and should apply for this year's Olympics in Rio de Janeiro.

"I don't think many federations have rules on defining eligibility of transgender individuals," IOC medical director Dr. Richard Budgett said in a telephone interview. "This should give them the confidence and stimulus to put these rules in place."

Under the previous IOC guidelines, approved in 2003, athletes who transitioned from male to female or vice versa were required to have reassignment surgery followed by at least two years of hormone therapy in order to be eligible to compete.

Now, surgery will no longer be required, with female-to-male transgender athletes eligible to take part in men's competitions "without restriction."

Meanwhile, male-to-female transgender athletes will need to demonstrate that their testosterone level has been below a certain cut-off point for at least one year before their first competition.

"It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition," the IOC said in a document posted on its website that outlines the guidelines. "The overriding sporting objective is and remains the guarantee of fair competition."

"To require surgical anatomical changes as a precondition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights," it added.

The guidelines were approved after a meeting in November in Lausanne, Switzerland, of Olympic officials and medical experts.

Budgett said there were no plans for the guidelines to be sent for approval by the IOC executive board.

"This is a scientific consensus paper, not a rule or regulation," he said. "It is the advice of the medical and scientific commission and what we consider the best advice."

Former IOC medical commission chairman Arne Ljungqvist, who was among the experts involved in drafting the new guidelines, said the consensus was driven by social and political changes.

"It has become much more of a social issue than in the past," he told the AP. "We had to review and look into this from a new angle. We needed to adapt to the modern legislation around the world. We felt we cannot impose a surgery if that is no longer a legal requirement."

Most international sports aligned to the IOC (ie compete at the Olympics) have fallen in line with these requirements.

More recently ITF (Tennis), World Athletics, Cycling (UCI) and Ice Hockey (IHF), have made the requirement of serum testosterone level below 5nmol/L for transgender women. The World Athletics decision was made after extensive research and legal challenge in relation to hyperandrogenic states in athletes with XY (5ARD) Disorder of Sexual Development, and after hosting a congress of international sports federations in October 2019.

Policies of International Sporting Federations:

IOC compliant sports

Aquatics: Swimming / Artistic Swimming / Diving / Water Polo

"FINA Constitution", published by Federation Internationale De National (FINA) on 19th July 2019.

FINA shall not allow any discrimination against national federations or individuals (competitors, officials, judges, delegates, etc.) on the grounds of race, gender, religion, political affiliations or languages. FINA is politically neutral. Political activity or demonstrations are prohibited at FINA events.

"Checklist for Therapeutic Use Exemption (TUE) Application: Transgender Athletes" published by FINA. Undated.

This Checklist is to guide the athlete and their physician on the requirements for a TUE application that will allow the TUE Committee to assess whether the relevant ISTUE Criteria are met.

Medical report should include details of;

- Medical history: age at onset of gender dysphoria, evidence of complete medical assessment prior to start of any treatment, description of any previous partially or fully reversible treatment
- Endocrinologist report on initiation of current therapy
- Interpretation of history, presentation and endocrinologist report by a physician regularly providing care to transgender people
- Testosterone and spironolactone (both are prohibited at all times) prescribed including dosage, frequency, administration route
- Evidence of follow-up/monitoring of athlete by qualified physician including testosterone levels for renewals

Archery

Interpretations World Archery Constitution and Rules, published as an addendum to the Constitutions and Rules by the World Archery Federation. Medical Committee answered the question on 25th January 2016, with the response approved and published 22nd February 2016.

The Swiss Archery Association has requested an interpretation as to the classes in which a transgender athlete compete.

The Constitution and Rules Committee ("C&R") finds the question presented to be within the terms of reference of the Medical and Sports Sciences Committee.

C&R has determined that the following interpretation is not contrary to the existing rules or Congress decisions.

Response from the Medical Committee and Sport Sciences Committee: It is the official opinion of the World Archery Medical and Sport Sciences Committee that World Archery policy regarding the participation in archery events of individuals who have undergone sex reassignment is to comply with the "IOC consensus on sex reassignment in sports" convened by the IOC Medical Commission in November 2015.

Fencing

According to British fencing, the FIE adheres to the IOC guidelines of 2015 for international competitions.

"Currently the FIE adopts the IOC guidelines which apply to International level sport. British Fencing follows the guidance from the IOC as set out in the Statement of the Consensus Meeting on Sex Reassignment and Hyperandrogenism (Nov 2015)."

Judo

"Gender Control", published by the International Judo Federation on the 23rd of August 2014.

The gender control is the responsibility of the IJF Member Federations. The IJF draws the attention of its Member Federations to the fact that it applies, on this matter, the IOC recommendation currently in force, and if any, the one modified by the IOC over the time. All decisions of a Member Federation for an athlete's gender must be communicated with the briefest delay to the IJF President.

Any official complaint of an IJF National member Federation, a Continental Union or a member of the IJF Executive Committee concerning an athlete's gender must be duly motivated and must be sent to the IJF President. On the basis of the elements of the official complaint, the IJF Executive Committee will decide if it is necessary to follow up on this complaint and to bring before the "Gender Control" Commission to deliberate and to make a decision on this topic. The IJF Executive Committee can also call out to the Member Federation of the athlete concerned so that they decide on the gender of the athlete concerned.

All decisions made by a Member Federation about an athlete's gender must be submitted exclusively by the athlete concerned to the IJF "Gender Control" Commission in the case of a contestation.

The "Gender Control" Commission is composed of a doctor competent in the field of the gender reassignment, a jurist and a member of the IJF Executive Committee appointed by the IJF President. This commission will be able to call on experts recognized in this field.

The IJF "Gender Control" Commission will have the full authority to ask all of the concerned persons for any documents or information necessary for the hearing of the case which has been referred.

The "Gender Control" Commission will establish an internal regulation in order to define the progress of the procedure, that must guarantee the confidentiality of the procedure as well as the respect of the applicable provisions concerning protection of the data and private life.

The decision of the IJF Executive Committee not to follow up on an official complaint as well as the decisions of the "Gender Control" Commission can be submitted exclusively by way of appeal to the Court of Arbitration for Sport in Lausanne, Switzerland, that will definitely decide on litigation according to the Code of the arbitration concerning sport. The delay of appeal is twenty-one days from receipt of the decision being the subject of the appeal. The Panel will be composed of only one judge. The language of the arbitration will be English.

Rowing

"Rules of Racing and Related Bye[sic]-Laws", published by the World Rowing Federation (FISA) February 2017 and updated for 2019.

Rule 20 – Men's and Women's Events

Subject to Rule 27 [coxswains], only men may compete in men's events and only women may compete in women's events. In mixed events men and women may compete in a crew in such proportion as shall be stipulated in these Rules and Regulations or otherwise by the organising committee.

Bye[sic]-Law to Rule 20 – Determination of Eligibility

In cases requiring determination of eligibility in respect of this Rule, including sex re-assignment and hyperandrogenism, the FISA Executive Committee will refer to IOC guidelines.

Shooting

"ISSF Eligibility, Commercial Rights and Sponsorship / Advertising Rules", published by the International Shooting Sport Federation (ISSF). First published 2017, updated January 2018

4.1 Eligibility of Athletes

4.1.8 Where the eligibility of a female athlete is questioned due to possible hyperandrogenism, and a formal written request has been made to do so, an Expert Panel comprised of members of the ISSF Medical Committee and other experts shall be appointed to evaluate a suspected case of female hyperandrogenism. In so doing, the ISSF Medical Committee shall generally and substantially follow the IOC criteria and/or IOC Rules which deal with possible hyperandrogenism and are in effect at the time of the request.

4.1.9 Any athlete who undergoes sexual reassignment surgery after puberty and wishes to participate in an ISSF Championship must meet the specific conditions and criteria established by the IOC in order to do so. The request to participate in ISSF Championships after sexual reassignment surgery must be made by the athlete to the ISSF Medical Committee prior to competing and the ISSF Medical Committee and other experts shall determine whether or not the IOC criteria has been met. 4.1.10 Any determination made under article 4.1.7 or article 4.1.8 may be appealed exclusively to the International Court of Arbitration for Sport.

4.1.11 In order to help protect the dignity and privacy of the athlete concerned, requests for investigations, information gathered during investigations, results of investigations and decisions regarding a case (or potential case) of female hyperandrogenism or a case involving a transsexual athlete shall be kept confidential and not released or made public by the ISSF.

Triathlon

“Competition Rules”, published by the International Triathlon Union, 25th November 2018

An athlete who undergoes sexual reassignment and wishes to participate in any competition must meet all the current conditions and criteria established by the International Olympic Committee (IOC) and WADA prior to doing so. The request to participate in any competition further to said sexual reassignment must be made expressly by the athlete to the ITU Medical and Anti-Doping Committee at least 30 days prior to event in which he or she wishes to compete. The ITU Medical and Anti-Doping Committee shall determine whether or not the current IOC and WADA criteria have been met and provide the athlete a written and reasoned decision to that effect.

Volleyball / Beach Volleyball

“Sports Regulations 2019”, published by Fédération Internationale de Volleyball (FIVB) 2019, last updated 24th May 2019 (For complete policy please see attachment)

3.2 gender verification certificate

3.2.1 The gender must be attested by the National Federations through the birth certificate of the player.

3.2.2 Women competitors in FIVB, world and official competitions, may be required to present the official Gender verification certificate issued by the FIVB Medical Commission or by the International Olympic Committee (IOC).

“Event Regulations”, published by FIVB 2019. (For complete policy please see attachment)

6.1 medical certificates

6.1.2 Gender Verification Certificate: Gender must be attested by the national federations through the birth certificate of the player. Players may be required to present a valid Gender Verification Certificate and/or submit themselves to a medical examination in case of doubt based on medical evidence.

6.2 gender verification

6.2.1 Gender Verification will not be performed during senior or under-age events. Gender verification may be conducted on a case by case basis in the event of doubt based on medical evidence.

6.2.2 Competitors’ refusal, if requested, to yield to gender verification controls will result in their elimination from the competition.

Weightlifting

“IWF Executive Board Meeting Report”, published by the International Weightlifting Federation (IWF). Meeting occurred 25-26th November 2017.

4.2 Medical Committee

Chairman Dr. Irani submitted a summary of the Medical Committee meeting. He highlighted the discussion on transgender athletes; a lecture by Dr. Dominik Dörr was heard. It was agreed to follow the IOC Transgender Guidelines. Dr. Schamasch noted that a relevant IOC Policy was yet to be published.

“IWF Committee meetings in Tashkent” published by IWF, 3rd July 2018

Mr. Irani emphasized the importance of the Transgender Policy of the International Olympic Committee. The main goal of the IWFs’ Medical Committee is to focus on weightlifting specific aspects, creating the IWFs’ own Transgender Policy.

“IWF Committee Meetings in Ashgabat”, published by IWF 29th October 2018.

The Medical Committee had several topics on its Agenda for their Meeting in Ashgabat, such as: Update on the Transgender guidelines, Medical Trunk, Injury Surveillance. Furthermore ideas of possible research projects, like Bio-electrical Impedance Meter, Nutrition Guide, Use of Video Analysis regarding injury prevention were discussed at the Meeting.

“IWF Committee meetings were held in Pattaya”, published by the IWF 15th September 2019.

Matters of common interest were raised at the Joint Meeting before they split to their relevant groups. The need for discussions on the situation of transgender athletes was brought to attention by Medical Committee Chairman Dr Michael Irani.

“IWF Congress concludes ahead of record-breaking IWF World Championships”, published by the IWF 17th September 2019

The Medical Committee reiterated the importance of protecting the health and welfare of the athletes and urged Member Federations to ensure only qualified medical practitioners treated athletes. An update was also given on the IWF’s approach to transgender athletes which it confirmed would remain unchanged until after Tokyo 2020. The Coaching and Research Committee spoke of plans to establish development officers within each Continental Federation to ensure projects were tailored specifically to each continent.

Extended IOC Compliant Sports

The following sports are IOC compliant but with lowering of serum testosterone to below 5nmol/L in transgender women.

Ice Hockey

“Transgender policy”, published by the International Ice Hockey Federation. In effect from 1st January 2018

1. Introduction

- 1.1. The term 'Transgender' is used in this Policy to refer to individuals whose gender identity (i.e. how they identify) is different from the sex designated to them at birth (whether they are pre- or post-puberty, and whether or not they have undergone any form of medical intervention).
- 1.2. The International Ice Hockey Federation (hereinafter referred to as “the IIHF”) as the international federation responsible for the global governance and regulation of the sport of Ice Hockey, has adopted this Policy in order to facilitate the participation of Transgender

athletes at the international level of the sport in the category of competition that is consistent with their gender identity, in accordance with the following imperatives:

- 1.2.1. The IIHF needs to establish conditions for participation in the sport of Ice Hockey, including eligibility categories, that (a) protect the health and safety of participants; and (b) guarantee fair and meaningful competition that displays and rewards the fundamental values and meaning of the sport:
 - 1.2.1.1. IIHF wants its athletes to be incentivised to make the huge commitments required to excel in the sport, and so to inspire new generations to join the sport and aspire to the same excellence. It does not want to risk discouraging those aspirations by permitting competition that is not fair and meaningful.
 - 1.2.1.2. Most relevantly for present purposes, because of the significant advantages in size, strength and power enjoyed (on average) by men over women from puberty onwards (due in large part to much higher levels of androgenic hormones), and the impact that such advantages can have on sporting performance, it is necessary to have separate competition categories for males and females in order to preserve the safety, fairness and integrity of the sport, for the benefit of all of its participants and stakeholders.
- 1.2.2. The IIHF wishes to be as inclusive as possible, to impose only necessary and proportionate restrictions on eligibility, and to provide a clear path to participation in the sport for all:
 - 1.2.2.1. The IIHF recognises that Transgender athletes may wish to compete in Ice Hockey in accordance with their gender identity. The IIHF wishes to encourage and facilitate such participation, on conditions that go only so far as is necessary to protect the safety of all participants and to deliver on the promise of fair and meaningful competition offered by the division of the sport into male and female categories of competition.
 - 1.2.2.2. The eligibility conditions established in this Policy are driven solely by the desire to guarantee fairness and safety within the sport. In no way are they intended as any kind of judgement on or questioning of the gender identity or the dignity of any Transgender athlete.
- 1.2.3. The need to respect and preserve the dignity and privacy of Transgender athletes, and to avoid improper discrimination and stigmatisation on grounds of gender identity. All cases arising under this Policy must be handled and resolved in a fair, consistent and confidential manner, recognising the sensitive nature of such matters.

3. Eligibility conditions for transgender athletes

3A. Eligibility conditions for Transgender male (i.e. female-to-male) athletes

- 3.1 Transgender male athletes are eligible to compete in the male category without restriction.
- 3.2 Transgender male athletes are eligible to compete in the female category so long as the transgender male has not begun any form of hormone treatment.
- 3.3 For the avoidance of doubt, a Transgender male athlete who decides to undergo hormone treatment will not be eligible to participate in the female category of competition at an IIHF Competition after that treatment has commenced, unless and until clause 3.5 applies.

3B. Eligibility Application procedure for Transgender male (i.e. female-to-male) athletes

3.4 In order to be eligible to participate in the male category of an IIHF Competition, a transgender male athlete shall submit to the Compliance Officer (Richiger@iihf.com), at least 6 weeks prior to the start of the IIHF Competition in which the transgender male athlete wishes to compete, an eligibility application containing the following:

- a) The completed Transgender Compliance Confirmation Form (see Appendix 2);
- b) A written and signed declaration, in a form satisfactory to the Compliance Officer, that his gender identity is male; and
- c) If the transgender male desires to compete in the female category in accordance with clause 3.2, a written and signed declaration, in a form satisfactory to the Compliance Officer confirming that the transgender male did not undergo any form of hormone treatment.

3.5 As soon as reasonably practicable following receipt of such declaration, the Compliance Officer will issue a written certification of that athlete's eligibility to compete in the male category of competition in IIHF Competitions.

3C. Eligibility conditions for Transgender female (i.e. male-to-female) athletes

3.6 To be eligible to participate in the female category of competition at an IIHF Competition, a Transgender female athlete must satisfy the following requirements (together, the Transgender Female Eligibility Conditions):

3.6.1 she must demonstrate to the satisfaction of the Expert Panel (on the balance of probabilities), in accordance with clause 4, that the concentration of testosterone in her serum has been less than 5 nmol/L¹ continuously for a period of at least 12 months; and

3.6.2 she must keep her serum testosterone concentration below 5 nmol/L for so long as she continues to compete in the female category of competition.

Tennis

"Transgender Policy" published by the International Tennis Federation, 8th November 2018.

1.1 The term "Transgender" is used in this policy to refer to individuals whose gender identity (i.e. how they identify) is different from the biological sex assigned to them at birth (whether they are pre- or post-puberty, and whether or not they have undergone any form of medical intervention).

Eligibility conditions for male-to-female Transgender players

2.1 To be eligible to participate in the female category of competition at an ITF Competition, a male-to-female Transgender player must satisfy the following requirements:

(a) she must provide a written and signed declaration, in a form satisfactory to the ITF, that her gender identity is female; and

(b) she must demonstrate to the satisfaction of the ITF that the concentration of testosterone in her serum has been less than 5 nmol/L¹ continuously for a period of at least 12 months (with the requirement for any longer period to be based on a confidential case-by-case evaluation, considering whether or not 12 months is a sufficient length of time to minimise any advantage in female competition), and that she is ready, willing and able to continue to keep it below that level for so long as she continues to compete in the female category of competition.

Eligibility conditions for female-to-male Transgender players

2.3 To be eligible to participate in the male category of competition at an ITF Competition, a female-to-male Transgender player must provide a written and signed declaration, in a form satisfactory to the ITF, that his gender identity is male. As soon as reasonably practicable following receipt of such declaration, the ITF will issue a written certification of that player's eligibility to compete in the male category of competition in ITF Competitions. For the avoidance of doubt, a female-to-male

Transgender player will not be eligible to participate in the female category of competition at an ITF Competition once they have commenced hormone treatment.

Conditions applicable to all Transgender players

2.4 Once a Transgender player has satisfied the eligibility requirements and has started participating in ITF Competitions in the category of competition consistent with his/her gender identity, he/she may not then switch back to participating in the other gender category in ITF Competitions unless and until (a) at least four years have passed since the first ITF Competition in which he/she participated as a Transgender player; and (b) he/she satisfies all of the conditions for eligibility to compete in the other gender category.

2.5 For the avoidance of doubt, the eligibility conditions for Transgender players set out in this policy operate without prejudice to all other eligibility requirements that are applicable to all players (Transgender or otherwise) under the rules of the ITF, which must also be satisfied at all relevant times. In particular, nothing in this policy is intended to undermine or affect in any way any of the requirements of the World Anti-Doping Code, of the WADA International Standards (including the International Standard for Therapeutic Use Exemptions), or of the Tennis Anti-Doping Programme. Nothing in this policy will be deemed to permit, excuse or justify non-compliance with any of those requirements, including (without limitation) any requirement for a player to obtain a Therapeutic Use Exemption for the use of a prohibited substance, such as testosterone.

Athletics

Eligibility Regulations for Transgender Athletes, Published as an addendum to the Book of Rules by World Athletics. Document in force from 1st October 2019.



General Information

The World Athletics Eligibility Regulations for Transgender Athletes (Transgender Regulations) will come into effect on 1 October 2019 and replace the IAAF Regulations Governing Eligibility of Athletes who Have Undergone Sex Reassignment to Compete in Women's Competition.

1.2.1.b Most relevantly for present purposes, because of the significant advantages in size, strength and power enjoyed (on average) by men over women from puberty onwards, due in large part to much higher levels of androgenic hormones, and the impact that such advantages can have on sporting performance, it is necessary to have separate competition categories for males and females in order to preserve the safety, fairness and integrity of the sport, for the benefit of all of its participants and stakeholders.

1.2.2.a World Athletics recognises that Transgender athletes may wish to compete in Athletics in accordance with their gender identity. World Athletics wishes to encourage and facilitate such participation, on conditions that go only so far as is necessary to protect the safety of all participants and to deliver on the promise of fair and meaningful competition offered by the division of the sport into male and female categories of competition.

3A. Eligibility conditions for Transgender male athletes

3.1 To be eligible to participate in the male category of competition at an International Competition, or to set a World Record in the male category of competition in any competition that is not an International Competition, a Transgender male athlete must provide a written and signed declaration, in a form satisfactory to the Medical Manager, that his gender identity is male. As soon as reasonably practicable following receipt of such declaration, the Medical Manager will issue a written certification of that athlete's eligibility to compete in the male category of competition in International Competition and to set a World Record in the male category in a competition that is not an International Competition.

3B. Eligibility conditions for Transgender female athletes

3.2 To be eligible to participate in the female category of competition at an International Competition, or to set a World Record in the female category of competition in any competition that is not an International Competition, a Transgender female athlete must meet the following requirements (together, the Transgender Female Eligibility Conditions) to the satisfaction of an Expert Panel, in accordance with clause 4:

3.2.1 she must provide a written and signed declaration, in a form satisfactory to the Medical Manager, that her gender identity is female;

3.2.2 she must demonstrate to the satisfaction of the Expert Panel (on the balance of probabilities), in accordance with clause 4, that the concentration of testosterone in her serum has been less than 5 nmol/L continuously for a period of at least 12 months; and

3.2.3 she must keep her serum testosterone concentration below 5 nmol/L for so long as she wishes to maintain her eligibility to compete in the female category of competition.

Cycling

["UCI Updates and Clarifies its Regulations on Transgender Athlete Participation"](#), 11th February 2020.

The provision of new scientific knowledge led to those eligibility criteria being reviewed – in particular for male-to-female athletes. At a working meeting organised by World Athletics in Lausanne on 19 October 2019, and which was attended by the UCI, other International Federations, experts and representatives of transgender and cisgender athletes, it was agreed that if a Federation decides to use testosterone as an indicator, the transgender athlete will only be eligible to compete in the Women category if their serum testosterone level is below 5 nmol/L.

- All transgender athletes wishing to compete in the category corresponding to their new gender must make their request to the medical manager appointed by the UCI, at least six weeks before the date of the first competition.
- The athlete's file will be passed on to a commission of three international experts independent of the UCI. The commission's members will assess the athlete's eligibility to compete in the new gender category and will inform the UCI's medical officer of their conclusions.
- The athlete must prove that their serum testosterone level has been below 5 nmol/L for at least 12 months prior to the eligibility date.
- Once deemed eligible, the athlete must agree to keep their serum testosterone level below 5 nmol/L for the entire time they compete in the Women category.
- The athlete must undergo serum testosterone tests conducted using a benchmark method (mass spectrometry).

IOC non-compliant

Rugby Union

[“Landmark World Rugby transgender workshop important step towards appropriate rugby-specific policy”, published by World Rugby on 27th February 2020.](#)

World Rugby undertook a major review during 2020. Prior to that initiative, World Rugby’s policy was based on the current International Olympic Committee policy. After considering all available evidence, it was deemed important for World Rugby to explore a rugby-specific framework for all, ‘prioritising athlete welfare, inclusion and fairness’.

Following a two-day symposium in February 2020, World Rugby sent a draft policy to member countries regarding a rule change to ban transgender women from contact rugby. This document was formally released in October 2020. In these Guidelines it was determined that transgender women would not be permitted to play contact rugby in the Women’s competition regardless of testosterone suppression. Transgender men would be required to achieve ‘sign-off’ from a medical expert that they were safe to compete in the male category.

World Rugby: Player Welfare and Guidelines: 2020

<https://playerwelfare.worldrugby.org/?subsection=84>

<https://playerwelfare.worldrugby.org/?subsection=5>

While the following sports have their own individual policies, athletes wishing to compete at the Olympics would also need to meet IOC policy requirements:

Boxing

Boxing currently presents unique challenges. The Amateur International Boxing Association (AIBA) has acted as the Governing Body for boxing at the summer Olympics since their first appearance in 1904, however due to recent corruption scandals, the IOC has suspended its recognition of the federation and boxing will fall under the governance of the IOC for the 2020 Olympics.

[AIBA Technical and Competition Rules, published by AIBA 9th February 2019.](#)

RULE 10. ATHLETE MEDICAL EXAMINATION

10.4. In AOB Competitions, gender tests may be conducted.

[Policy on conduct, respect, antiharassment, anti-discrimination, and no violence, published by AIBA in July 2018](#)

The AIBA expects that people work best in a work environment free from harassment and discrimination and expects that harassment and discrimination of any type does not occur within the AIBA, including any inappropriate conduct, based on sex, race, sexual orientation, **gender identity, gender expression**, age, religion, disability, ethnic group, marital status, or any other class status protected by applicable law.

Biathlon

“Event and Competition Rules”, published by the International Biathlon Union. Adopted in 1998, with most recent amendments in 2019

1.3.1 Men and Women

Male and female competitors who have turned 22 at the cut-off-date 31 December will be classed as men and women respectively. From the season starting on 1 November of that same year onward, they may only start in men’s or women’s competitions, according to their gender.

1.5.2 Responsibility of Competitors and Team Staff

Competitors and team staff may only participate in an IBU event or competition with materials, equipment, clothing and advertising that are in compliance with the pertinent IBU rules ... All competitors participating in IBU competitions must be ready to prove their nationality, age and gender with their national passport or official photo identification document.

Constitution, published by the International Biathlon Union, effective 19th October 2019.

5.1.4 Its constitution must:

5.1.4.2 declare its opposition to any unlawful discrimination on the grounds of race, skin colour, national or social origin, gender, sex, sexual orientation, language, political or other opinion, religion or other beliefs, circumstances of birth, or other improper grounds;

Hockey

“Statutes”, published by the International Hockey Federation, with effect from 3rd November 2018.

Its constitution must declare (i) its opposition to discrimination of any kind, such as discrimination on the grounds of race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth or other status; and (ii) its formal undertaking to be bound by and to comply with the obligations placed on Members under the Statutes and Regulations.

“Gender Equality Policy”, published by FIH with effect from 29th November 2017

Transgender/Gender reassignment/Transsexual athletes

With due regard to the element of fair play, FIH, as a gender-affected sport, aims to allow transgender athletes the ability to compete at the highest level. FIH recognizes the fact that decisions about participation must be taken on an individual basis as the integrity of men’s and women’s Hockey must be respected

Sports with general policies

Football

“Regulations – FIFA Gender Verification” published by FIFA in 2011. Mentions that this was going to be removed as it hasn’t been enforced since at least 2015, but still on website.

“Code of Ethics – 2020 Edition” published by FIFA for the 2020 season.

Persons bound by this Code shall not offend the dignity or integrity of a country, private person or group of people through contemptuous, discriminatory or denigratory words or actions on account of

race, skin colour, ethnicity, nationality, social origin, gender, disability, language, religion, political opinion or any other opinion, wealth, birth or any other status, sexual orientation or any other reason.

Sailing

"ISAF MNA Manual", published by World Sailing (formerly ISAF). Undated.

Unit 5 – Safeguarding Participants and Athletes

2. Athletes

Protecting athletes' health is the primary goal, specifically through the promotion of safe practices in training...

(a) Scientific basis of training

Aerobic and anaerobic fitness and muscle strength increase with age, growth and maturation. Children experience more marked improvements in anaerobic and strength performance than in aerobic performance during pubescence. Boys' aerobic and anaerobic fitness and muscle strength are higher than those of girls in late pre-pubescence, and the gender difference becomes more pronounced with advancing maturity. Evidence shows that muscle strength and aerobic and anaerobic fitness can be further enhanced with appropriately prescribed training. Regardless of the level of maturity, the relative responses of boys and girls to training are similar after adjusting for initial fitness.

Equestrian

"General Regulations", published by the Fédération Equestre Internationale 1st January 2020

There shall be no discrimination between the human Athletes on the basis of race, gender, ethnic origin, religion, philosophical or political opinion, marital status or other grounds.

Golf

"Anti Discrimination Policy", published by the IGF in November 2016.

The IGF endorses diversity, supports equal rights, and does not advocate, support or practice discrimination based on race, religion, age, national origin, language, sex, sexual orientation, or mental or physical handicap, whether covered by applicable legislation or not, except where affirmative action may be required to redress individual or social handicaps of people from disadvantaged groups.

Gymnastics Artistic / Rhythmic

"Code of Conduct", published by Fédération Internationale de Gymnastique in 2019.

A. Principles of Integrity and Respect

To maintain and enhance the dignity and self-esteem of others by demonstrating respect for others, at all times, regardless of race, colour, gender, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, physical attributes and athletic ability or other status.

Handball

“Ethics Code”, published by the International Handball Federation, 1st September 2016.

There shall be no discrimination in handball on the basis of race, gender, ethnic origin, colour, culture, religion, political opinion, marital status, sexual orientation or other grounds.

Modern Pentathlon

“Code of Ethics” published by Union Internationale de Pentathlon Moderne. Effective as of 10th November 2018.

CHAPTER II Relevant Conduct

2.1 Doing, attempting, agreeing to do, or encouraging any of the following is a breach of the Code.

a) Discrimination of any kind on whatever grounds, be it ethnical origin, gender, sexual orientation, language, religion, political or any other opinion, national or social origin, property, birth or other status

General Inclusion

The following sports have a general inclusion/conduct policy available:

- Skateboarding
- Taekwondo

Other Olympic Sports

The following sports do not have policies posted on their website. As Olympic sports it would be expected that they follow IOC policy.

- Badminton
- Baseball/Softball
- Basketball
- Canoe
- Karate
- Sport Climbing

International Paralympic Committee

The current guidelines from the IPC are not currently available, however several para sports refer to this document in their gender requirements. We understand the IPC requires athletes to compete in their legal sex, and in accordance with the requirements of the IOC. The IPC also recognises the third gender, which is to be defined on a case-by-case basis.

“IPC Athletes’ Council Meeting”, 22-24 March 2019

Transgender Discussion

Liz Riley, IPC General Counsel, joined the Council to discuss transgender athletes in sport. She highlighted that this is a complex subject that encompasses science and legal aspects and that at the moment the IPC has not yet developed a transgender policy but has begun discussion on the topic. She added that the IOC has transgender guidelines, which are not binding and that each International Federation (IF) would need to develop its specific guidelines considering athletes' health and level playing field.

Para Alpine Skiing

[Rules and Regulation document](#), published in 2019 for the 2019/2020 season by World Para Alpine Skiing.

304.15 Sex of the Competitor

304.15.1 competition if he is: - recognised as a male in law; and - eligible to compete under these WPAS Rules and Regulations.

304.15.2 competition if she is: - recognised as a female in law; and - eligible to compete under these WPAS Rules and Regulations.

304.15.3 WPAS will deal with any cases involving transgender athletes in accordance with the IOC from time to time) and any applicable IPC and WPAS regulations.

304.15.4 The eligibility of persons recognised as third gender in law will be determined by the IPC on a case-by-case basis, in accordance with any applicable WPAS regulations.

Para Athletics

[World Para Athletics Rules and Regulations 2020-2021](#), published in 2020 for the 2020-2021 season by World Para Athletics.

4.5 Gender

4.5.1 Subject to Regulation 4.5.3, below, an athlete shall be eligible to compete in men's competition if he is:

4.5.1.1 recognised as male in law; and

4.5.1.2 eligible to compete under these Rules.

4.5.2 Subject to Regulation 4.5.3, below, an athlete shall be eligible to compete in women's competition if she is:

4.5.2.1 recognised as female in law; and

4.5.2.2 eligible to compete under these Rules.

4.5.3 World Para Athletics will deal with any cases involving transgender athletes in accordance with the IOC's transgender guidelines (as amended by the IOC from time to time) and any applicable World Para Athletics regulations.

4.5.4 The eligibility of persons recognised as third gender in law will be determined by the IPC on a case-by-case basis, in accordance with any applicable World Para Athletics regulations.

World Para Dance

"Rules and Regulations", published by World Para Dance Sport. Effective March 2018.

3.12 Gender

Competitions.

- a) Subject to Rule 3.12c), below, an athlete shall be eligible to compete in men's competition if he is:
 - a. recognised as a male in law; and
 - b. eligible to compete under these Rules and Regulations.
- b) Subject to Rule 3.12c), below, an athlete shall be eligible to compete in women's competition if she is:
 - a. recognised as a female in law; and
 - b. eligible to compete under these Rules and Regulations.
- c) World Para Dance Sport will deal with any cases involving transgender athletes in accordance with the IOC's transgender guidelines (as amended by the IOC from time to time) and any applicable World Para Dance Sport regulations.
- d) The eligibility of persons recognised as third gender in law will be determined by the IPC on a case-by-case basis, in accordance with any applicable World Para Dance Sport regulations.

Para Volleyball

"Code of Ethics", published by World ParaVolley, last updated May 2020.

1.2 Fight against any discrimination on the basis of race, gender, nationality, ethnic origin, religion, philosophical or political opinion, marital status or sexual orientation. In particular discrimination on the basis of impairment or disability is forbidden by the World ParaVolley ideals. Athletic classification, which promotes sport participation of athletes with disabilities, is not discrimination but empowerment.

Other Sports' International Bodies

Cricket

"Gender Recognition Policy", published by the International Cricket Council. Effective from 20th February 2017.

1. INTRODUCTION

- 1.1. The ICC is the international federation responsible for the global governance of the sport of cricket and the Gender Recognition Policy (the "Policy") is adopted and implemented in order to facilitate the participation of Transgender players at the international level of the sport in the category of competition that is consistent with their gender identity, in accordance with the following imperatives:
 - 1.1.1. The need to establish conditions for participation in the sport of cricket, including eligibility categories, that (a) protect the health and safety of participants; and (b) guarantee fair and meaningful competition that displays and rewards the fundamental values and meaning of the sport:
 - 1.1.1.1. The ICC wants its players to be incentivised to make the huge commitments required to excel in the sport, and so to inspire new generations to join the sport

and aspire to the same excellence. It does not want to risk discouraging those aspirations by permitting competition that is not fair and meaningful.

- 1.1.1.2. Most relevantly for present purposes, because of the significant advantages in size, strength and power enjoyed (on average) by males over females from puberty onwards (due in large part to much higher levels of androgenic hormones), and the impact that such advantages can have on sporting performance, it is necessary to have separate competition categories for males and females in order to preserve the safety, fairness and integrity of the sport, for the benefit of all of its participants and stakeholders.
- 1.1.2. The desire to be as inclusive as possible, to impose only necessary and proportionate restrictions on eligibility, and to provide a clear path to participation in the sport for all:
 - 1.1.2.1. The ICC recognises that Transgender players may wish to compete in cricket in accordance with their gender identity. The ICC wishes to encourage and facilitate such participation, on conditions that go only so far as is necessary to protect the safety of all participants and to deliver on the promise of fair and meaningful competition offered by the division of the sport into male and female categories of competition.
 - 1.1.2.2. The eligibility conditions established in this Policy is driven solely by the desire to guarantee fairness and safety within the sport. In no way are they intended as any kind of judgement on or questioning of the gender identity or the dignity of any Transgender player.
- 1.1.3. The need to respect and preserve the dignity and privacy of Transgender players, and to avoid improper discrimination and stigmatisation on grounds of gender identity. All cases arising under this Policy must be handled and resolved in a fair, consistent and confidential manner, recognising the sensitive nature of such matters.
- 1.2. The term 'Transgender' is used in this Policy to refer to individuals whose gender identity is different from the biological sex assigned to them at birth (whether they are pre- or post-puberty, and whether or not they have undergone any form of medical intervention).

3. ELIGIBILITY CONDITIONS FOR TRANSGENDER PLAYERS

- 3.1. Eligibility conditions for female-to-male Transgender players:
 - 3.1.1. To be eligible to participate in the male category of competition at an International Match, a female-to-male Transgender player must provide a written and signed declaration, in a form satisfactory to the Designated Medical Officer, that his gender identity is male. As soon as reasonably practicable following receipt of such declaration, the Designated Medical Officer will issue a written certification of that player's eligibility to compete in the male category of competition in International Matches.
- 3.2. Eligibility conditions for male-to-female Transgender players:
 - 3.2.1. To be eligible to participate in the female category of competition at an International Match, a male-to-female Transgender player must satisfy the following requirements (together, the MTF Transgender Eligibility Conditions):
 - 3.2.2. she must provide a written and signed declaration, in a form satisfactory to the Designated Medical Officer, that her gender identity is female; and
 - 3.2.3. she must demonstrate to the satisfaction of the Expert Panel (on the balance of probabilities), in accordance with Article 4, that the concentration of testosterone in her serum has been less than 10 nmol/L¹ continuously for a period of at least 12 months, and that she is ready, willing and able to continue to keep it below that level for so long as she continues to compete in the female category of competition.

Netball

“Equality and Diversity Policy”, published by the International Netball Federation in November 2014.

1. Policy Objectives

1.1 International Netball Federation Limited (INF) is fully committed to the principles of equality of opportunity and is responsible for ensuring that no employees, job applicants, office holders, volunteers, consultants or members of committees and panels (together "Stakeholders") are unlawfully discriminated against because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation (together the "Protected Characteristics").

6. Transgender Athletes

INF considers that netball is a gender affected sport and refers any transgender athletes to its policy relating to participation by transgender persons.

Rugby League

“Equality and Diversity Policy”, published by International Rugby League effective from January 2020

(For complete policy please see attachment)

IRL is committed to encouraging equality and diversity across the organisation and supports an environment which is free of bullying, harassment, victimisation and unlawful discrimination. IRL is an equal opportunities employer, therefore in all areas of work and responsibility IRL recognises the need for, and supports, equal opportunity and diversity. The Equality Act 2010 replaced all of the separate legislation that existed to protect people who have a protected characteristic. It is illegal to discriminate or harass on the basis of nine protected characteristics:

- a) Age;
- b) Sex;
- c) Sexual Orientation;
- d) Gender Reassignment;
- e) Marriage or Civil Partnership;
- f) Pregnancy or Maternity;
- g) Race;
- h) Religion or Belief;
- i) Disability.

Note: This document is part of a review commissioned in 2020 by the UK's Sports Councils of its existing guidance for the inclusion of transgender people in sport. For further information on this review, please visit <https://equalityinsport.org/index.html>.