

# **Input to the report of the Special Rapporteur in the field of cultural rights on the right to participate in sports**

## **The European Gay and Lesbian Sport Federation**

**10th May 2024**

1. The European Gay and Lesbian Sport Federation (EGLSF) was founded in 1989 and is a Europe-wide membership organisation which exists to support:

- the open and active participation of lesbian, gay, bisexual, transgender (including non-binary), intersex, queer and other diverse identifying people (LGBTIQ+) within sport;
- the pursuit of equality and protection of human rights in sport including rights of access, equal participation, equitable share in sport governance, and representation;
- the fight against discrimination on the grounds of sexual orientation, gender identity and expression, and sex characteristics
- the strengthening and empowerment of the sporting community and in its diversity, including those who identify as LGBTIQ+

2. The overriding objective of the federation is to combat structural discrimination on the grounds of sexual orientation, gender identity and expression, and sex characteristics, in the field of sport, and for human rights.

### Participation in sporting life

#### **LGBTIQ+ people's experience in sport and physical activity**

3. Exclusion, marginalisation and mistreatment of LGBTIQ+ people historically and currently in sport and physical activity spaces deeply affects our ability to access our cultural rights in relation to sport; exclusion from safe spaces has a direct impact on our ability to participate in sports. Understanding this begins with an understanding of LGBTIQ+ people's experiences in sport.

4. Evidence from the first major European wide research into LGBTIQ+ experiences in sport (Menzel et al., 2019), showed that almost 90% of respondents considered homophobia and transphobia in sport to be a current problem, while 82% reported that they had witnessed homo/transphobic language in sports in the preceding 12 months.<sup>1</sup>

5. This research also found high numbers who felt the need to suppress aspects of themselves to be safer within sport, and worrying levels of experiences of violence, abuse, and trauma within sport.

6. The research found that little was being done specifically to increase participation amongst LGBTIQ+ people or indeed to tackle homophobia or transphobia; that LGBTIQ+ people face distinct and significant barriers to participating in sport which has a negative

---

<sup>1</sup> Menzel, T., Braumüller, B., & Hartmann-Tews, I. (2019). The relevance of sexual orientation and gender identity in sport in Europe: Findings from the Outsport survey. German Sport University Cologne, Institute of Sociology and Gender Studies. Available at: [www.out-sport.eu/wp-content/uploads/2019/05/OUTSPORT-Report-Relevance-of-SOGI-in-Sport-inEurope-3.pdf](http://www.out-sport.eu/wp-content/uploads/2019/05/OUTSPORT-Report-Relevance-of-SOGI-in-Sport-inEurope-3.pdf)

impact on the numbers taking part; and that little or no specific action was being taken by sports bodies to address this.

7. Participation rates in sport and physical activity for trans people are even poorer with 54% of trans people having stopped participating or feel excluded from particular sports<sup>2</sup> whilst 60% of trans people and 64% of non-binary people are not active enough to meet standards of good health<sup>3</sup>.

8. Evidence of this lack of access to cultural rights for LGBTIQ+ people remains prevalent, as does evidence of ongoing and indeed increasing levels of stigma, discrimination, bullying, hate crime, violence, negative attitudes and media coverage, reported in EGLSF member experiences.<sup>4</sup>

9. These kinds of exclusionary experiences have led to self-organising. LGBTIQ+ people have long organised their own safe spaces in sport, with specific groups and clubs in countries across Europe. Many of these came together to found the EGLSF in 1989 and today our federation has more than 160 such clubs in our membership who collectively represent more than 22,000 members<sup>5</sup>.

### **LBTI women in sport**

10. Experience of lesbian, bisexual, transgender, and intersex women specifically is that despite them engaging and participating in sport as athletes, coaches, spectators and in many other parts of the sports movement, their experience is tainted by specific challenges, episodes of violence, harassment and discrimination.

11. In 2021, the EGLSF jointly prepared the briefing note *LBTI women in sport: violence, discrimination, and lived experiences*<sup>6</sup> alongside ILGA-Europe, a EuroCentralAsian Lesbian\* Community (EL\*C), TGEU, and Organisation Intersex International Europe (OII Europe), with input from 16 other networks and organisations across Europe. The briefing note was submitted to the Parliamentary Assembly of the Council of Europe (PACE), which has drawn attention to gender-based violence and discrimination in sports for many years and our submission aimed at offering a specific focus on the position of LBTI women in sport, and had the objective to support the PACE in its formulation of the report on *The fight for a level playing field – ending discrimination against women in the world of sport* and a consequent resolution.

12. The data and information we collected revealed the specific situations and barriers that LBTI women face in sport, while discrimination and violence against them remain

---

<sup>2</sup> Menzel, T., Braumüller, B., & Hartmann-Tews, I. (2019). The relevance of sexual orientation and gender identity in sport in Europe: Findings from the Outsport survey. German Sport University Cologne, Institute of Sociology and Gender Studies. Available at: [www.out-sport.eu/wp-content/uploads/2019/05/OUTSPORT-Report-Relevance-of-SOGI-in-Sport-inEurope-3.pdf](http://www.out-sport.eu/wp-content/uploads/2019/05/OUTSPORT-Report-Relevance-of-SOGI-in-Sport-inEurope-3.pdf)

<sup>3</sup> The National LGB&T Partnership (2016). Survey of Exercise & Physical Activity in LGB&T Lives in England Available at: <https://blgbt.org/wp-content/uploads/2015/10/Survey-of-Exercise-Physical-Activity-in-LGBT-Lives-in-England.pdf>

<sup>4</sup> <https://www.eglsf.info/wp-content/uploads/20210810-violence-and-discrimination-against-LBTI-women-in-sport.pdf>

<sup>5</sup>

<https://www.taylorfrancis.com/chapters/oa-edit/10.4324/9781003196761-5/european-gay-lesbian-sport-federation-annette-wachter-hugh-torrance>

<sup>6</sup> <https://www.eglsf.info/wp-content/uploads/20210810-violence-and-discrimination-against-LBTI-women-in-sport.pdf>

phenomena largely unseen. The full briefing note is linked in the footnotes, and it provides a full and detailed account of the key issues and evidence of this.

13. Transgender women in particular experience disparities in sport participation that are exacerbated by policies from sport organisations regulating their participation in the category that best aligns with their gender identity, and such regulation is becoming increasingly restrictive<sup>7</sup>.

14. The report of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe (2022)<sup>8</sup> states that *‘Female athletes must be recognised in all their diversity so that appropriate measures to prevent and combat discrimination can be implemented. Taking into account the intersectional dimension paves the way for a targeted response and proper policies’* (p2). The report also recognises that increased policing of gender and of women’s bodies within sport is something that affects all women. This chimes strongly with the view that efforts to protect women’s sports” by banning trans girls and women further perpetuates the systemic inequities between women’s and men’s sports<sup>9</sup>.

15. The Revised European Sports Charter (Council of Europe, 2022)<sup>10</sup> includes an article on the right to sport which includes a no-discrimination clause. Sexual orientation, but not gender identity, has been specifically included as a ground. The Charter<sup>11</sup> makes clear that access to sport for all is considered to be a fundamental right, while the Committee of Ministers Recommendation CM/Rec(2010)5<sup>12</sup> on measures to Combat Discrimination on Grounds of Sexual Orientation or Gender Identity underlines that sport activities and facilities should be open to all without discrimination on grounds of gender identity.

16. We would note that sport for all’ is a restrictive commitment if there are deliberate exclusions and omissions from the fundamental right to sport, and underline the need for explicit provision.

17. In its recent issue paper *Human Rights and Gender Identity and Expression*<sup>13</sup> the Council of Europe recommends that in consultation with relevant stakeholders, including trans people and trans organisations, *“member states should adopt robust laws and policies to ensure that everyone can take part in sports without discrimination, harassment or violence, including online abuse or transphobic hate speech from spectators, in relation to their gender identity and gender expression”* (p70).

18. We align with the principles in the *International Olympic Committee Framework on Fairness, Inclusion and Non-Discrimination* on the basis of gender identity and sex characteristics<sup>14</sup> and particularly draw attention to the need for appropriate research. The

<sup>7</sup> <https://bmjopen.bmj.com/content/13/7/e074054>

<sup>8</sup> <https://assembly.coe.int/LifeRay/EGA/Pdf/TextesProvisoires/2022/20220916-DiscriminationWomenSport-EN.pdf>

<sup>9</sup> <https://www.houstonchronicle.com/opinion/outlook/article/wnba-brianna-turner-phoenix-trans-inequality-17830420.php>

<sup>10</sup> <https://edoc.coe.int/en/sport-for-all/11299-revised-european-sports-charter.html>

<sup>11</sup> <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>

<sup>12</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805cf40a](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a)

<sup>13</sup> <https://rm.coe.int/issue-paper-on-human-rights-and-gender-identity-and-expression-by-dunj/1680aed541>

<sup>14</sup>

<https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>

reality is that research on specifically trans women athletes is extremely limited, and current understanding of the effects of gender-affirming medical interventions on trans athletes' sports performance is partial and incomplete.

19. One very recent groundbreaking piece of research from Hamilton et al<sup>15</sup> to recently be published recommends that policymakers should avoid blanket bans of trans women in sport. More discussion on this point in particular is provided in a letter<sup>16</sup> from LEAP Sports which points out that inclusion, fairness, and safety can be considered as complementary values that can be adopted together and that sports can be safe and fair while including trans and/or intersex women and girls.

### **Good practices and resources**

20. Some noteworthy supporting evidence includes the following reports

Sport, inclusion and LGBTI diversity. Theoretical and practical guide:

[https://www.researchgate.net/publication/373706981\\_Sport\\_inclusion\\_and\\_LGBTI\\_diversity\\_Theoretical\\_and\\_practical\\_guide](https://www.researchgate.net/publication/373706981_Sport_inclusion_and_LGBTI_diversity_Theoretical_and_practical_guide)

Good practice booklet in the inclusion of transgender, non-binary and intersex people in sport: <https://edu.fairplay.or.at/lessons/download/>

A specific report on the experience and good practices concerning non-binary people in sport:

<https://leapsports.org/files/4225-Non-Binary%20Inclusion%20in%20sport%20Booklet.pdf>

### **Mega Sporting Events**

21. EuroGames, is a mostly annual European multi-sport event governed by the EGLSF and organised by its member clubs<sup>17</sup>. It is the largest multi-sport event for athletes, regardless of their gender identity or expression or sexual orientation in Europe, with anywhere from 2,000 - 5,000 athletes participating in its 20 editions across the years. It is similar to the quadrennial Gay Games which can be hosted right around the world. Similar sport specific events for LGBTIQ+ people, or national level multisport events happen in many countries, and are safe spaces for LGBTIQ+ people to participate in sports competitions.

22. An initiative worthy of highlighting is the Pride House movement. Modelled after a traditional Olympic hospitality house, a Pride House is a pop-up venue welcoming LGBTIQ+ fans, athletes, and allies during large-scale international sporting events. Typically, they are places where visitors can view the competition with others, and learn more about LGBTIQ+ issues in sport. Pride Houses have increasingly become features of many mega and major sporting events<sup>18</sup>. There is rich evidence to show the impact that such houses can have at mega sports events on a range of equality issues such as athlete visibility and engagement, perceptions of LGBTIQ+ equality in the host city<sup>19</sup>, as well as some evidence of longer

---

<sup>15</sup> <https://bjsm.bmj.com/content/early/2024/04/10/bjsports-2023-108029>

<sup>16</sup> <https://leapsports.org/news/lettertotesswhitemsp>

<sup>17</sup> <https://en.wikipedia.org/wiki/EuroGames>

<sup>18</sup> <https://www.pridehouseinternational.org/about/>

<sup>19</sup> [https://www.pridehouseinternational.org/wp-content/uploads/2016/06/PH\\_Report\\_WEB.pdf](https://www.pridehouseinternational.org/wp-content/uploads/2016/06/PH_Report_WEB.pdf)

lasting legacy such as in the case of the first permanent LGBT Centre in Tokyo born out of Pride House at the 2020 Olympic Games<sup>20</sup>.

23. There are also many good and strong examples of how LGBTIQ+ people have organised initiatives that use the platform of a major sports event in their city; five such examples are showcased in the Narrowing the Margins Erasmus+ project<sup>21</sup> where five organisations used the opportunity of major sports events in their countries as a means of reaching LGBTIQ+ people in the margins of sport.

---

<sup>20</sup> <https://pridehouse.jp/legacy/>

<sup>21</sup> <https://queersport.eu/projects/narrowing-the-margins/>