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# Introduction

I am an independent scholar and former senior lecturer at the University of Cumbria, UK. My academic research includes ‘Female Olympians’ Voices: Female Sport Categories and IOC Transgender Guidelines’[[1]](#footnote-1) (FOV), ‘Female Sports Participation, Gender Identity and the British 2010 Equality Act’[[2]](#footnote-2), ‘Sex, Gender Identity and Sport’[[3]](#footnote-3) and the Canadian High-Performance Female Athlete Project[[4]](#footnote-4) (CHPFAP) commissioned by Sport Canada. I advise UK and international sports and others on transgender inclusion policies congruent with the human rights of female athletes.

# Forms of violence (Q1).

My research finds women and girls are subject to psychological and online violence, institutional coercion, and extreme discrimination as a result of the transgender inclusion strategies of some sport organisations. Further, the Canadian Centre for Ethics and Sport (CCES) legitimises removal of essential safeguarding provisions including single sex toilets, changing rooms and hotel accommodation. This is a risk factor for physical violence.

# Human rights violations (Q2).

Equality and non-discrimination.

* 1. Equal human rights on the basis of sex are an established, explicit and mandated cornerstone of international human rights law[[5]](#footnote-5),[[6]](#footnote-6). The Convention on the Elimination of Discrimination against Women (CEDAW) explicitly enshrines sex equality in sport in articles 10g and 13c.[[7]](#footnote-7)
  2. UN human rights treaties do not reference gender identity which has no established basis in international law.5,6 Transgender inclusion policies should not conflict with explicit established rights to equality for females, in sport.
  3. Everyone is entitled to universal human rights as outlined in UN treaties. There is no human right to play/compete in opposite sex sport.
  4. The female sport category upholds the human rights of females to equality, in sex-affected sports (where males have a 10-30% advantage8). Testosterone suppression in transwomen does not eliminate male advantage.[[8]](#footnote-8)
  5. Inclusion in opposite sex sport in sex-affected sports, discriminates against female participants/athletes on the basis of sex. It asymmetrically benefits transwomen (males) and athletes with male disorders of sexual development (DSDs), and disbenefits females (including transmen and female non-binary athletes who usually remain in female sport).
  6. International sport organisations should respect internationally recognized human rights. The IOC Olympic Charter[[9]](#footnote-9) referencing equal human rights on the basis of sex, makes no reference to gender identity. However, the IOC 2021 Framework’[[10]](#footnote-10) mandates ‘no presumption of advantage’ for males with transgender identities and athletes with male DSDs in female sport. This disregards the science which clearly evidences an advantage for these athletes8.
  7. Similarly, some UK schools advised by advocacy groups contravene UK human rights and equality legislation. Equality and human rights barrister Karon Monaghan KC[[11]](#footnote-11) finds one Toolkit,

‘encourages and sanctions such unlawful conduct and/or misdirects schools as to their legal obligations and as such and to this extent, it is itself unlawful’.

It,

‘contains a misleading account of the law in so far as it indicates that excluding trans identified boys from girls’ sports competitions would be discriminatory’.

Further,

‘It does not take account of the likelihood that not having sex-based categories for gender-affected sporting competitions will indirectly discriminate against girls in breach of the EqA’.

Similarly, UK organisations removing sex-based categories in sex-affected sports are likely to indirectly discriminate against women and girls in breach of the 2010 Equality Act[[12]](#footnote-12).

Self Determination (ICCPR Article 1).

* 1. The International Covenant on Civil Political Rights (ICCPR) Article 1 recognises the right to self-determination and economic, social and cultural development without distinction on the basis of sex.
  2. However, the selection prospects, careers, and earning potential of female athletes are compromised by including transwomen and athletes with male DSDs in female sport. These athletes may be preferentially selected due to retained male advantage. One CHPFAP athlete commented,

‘I don't know what will happen if my spot is threatened by someone who is a trans athlete.’

Freedom from cruel, inhuman or degrading treatment (ICCPR Article 7).

* 1. Ignoring the sex of transwomen may harm female athletes attempting to close a performance gap relating to sex rather than talent/training. The majority of CHPFAP athletes were concerned about overtraining, training through illness/injuries, the female athlete triad (energy deficiency/disordered eating/amenorrhea/osteoporosis), drop out and self-exclusion. Comments include,

‘I dropped out…. I have felt the pressure to train harder and do more than physically possible.’

‘It’s the girls on the edge of feeling they are "good enough"…they are the ones likely to get pushed out of sport at an early age...or not get the chance to move their career forward’.

* 1. Including transwomen in female sport results in comparisons between biological females and males, which female athletes may experience as body shaming, belittling, humiliating and insulting. A CHPFAP athlete disclosed,

‘I have been belittled by coaching staff for not being able to do what a transwomen can’.

* 1. Eligibility rules mandating testosterone suppression/gonadectomy may also harm transgender athletes. A CHPFAP athlete commented,

‘I don’t believe any one should have to change biology through hormone treatment or surgery to participate in sport. There are many other options to allow for dignity and inclusion including: continue participating with ur biological sex, create a trans category’.

Safeguarding

* 1. Including transwomen in female sport may constitute/facilitate emotional, physical, sexual and financial abuse, and privacy, dignity & safeguarding contraventions, by removing single sex provision for female athletes.

CCES guidelines[[13]](#footnote-13) state ‘no information should be given out concerning someone’s gender identity or stage of transition status, without the individual’s express consent’ and ‘nor should there be any requirement for disclosure of trans status.’ Further, ‘trans athletes generally should be assigned to share hotel rooms based on their gender identity’. This removes female athlete autonomy and fundamental safeguarding, respect dignity and consent principles. Female athletes are institutionally silenced and mandated to ignore the sex of transwomen (including intact males) as a matter of institutional policy. CHPFAP athletes commented,

‘In sports I don’t know if it’s fair…for you to keep it a secret…if it affects other people’.

‘We need to provide safe, comfortable space for all without compromising safe, comfortable space for others’.

Institutional coercion permits older males to compete on an equal basis or at an advantage with younger females. Olympian transwomen Laurel Hubbard (weightlifter) and Stephanie Barrett (archer) competed in women’s categories in their 40’s at the Tokyo Olympics against females half their age. This removes equal opportunities for female athletes at the highest level, and legitimises a power imbalance in relation to age, sex and physical size, despite legal protection for females on the basis of sex in the Canadian Human Rights Act.

Freedom of thought, belief and belief manifestation (Article 18 ICCPR). Freedom of expression (Article 19 ICCPR) (Q8).

* 1. Extensive evidence documents female athletes do not consent to transwomen in female sport[[14]](#footnote-14),[[15]](#footnote-15),[[16]](#footnote-16). However, they are frequently coerced, bullied and silenced by being called ‘bigoted’ and ‘transphobic’ if they express this1,4. This contravenes their human rights to freedom of belief, manifestation and expression.
  2. All 19 FOV Olympians1 did not accept fairness for females should be subordinated to transgender inclusion. The majority could not express this without being accused of transphobia. They viewed the 2015 IOC guidelines as unjust and two commented,

‘Our human rights to equal opportunities (are) not being protected’.

‘Why don’t women matter?’

* 1. The majority of CHPFAP athletes are concerned about national sport organisations (NSO), sponsors, other athletes and careers if they voice opposition to transwomen in female sport4. The majority do not feel comfortable raising concerns and report their NSO has not consulted female athletes. Comments include,

‘All we talk about is trans athlete inclusion but what about the biological women competing...don't their right matter?’ ‘People say women should speak up.... but we don't because we fear retribution. The few that do become heads of the cause and they receive backlash, lose their spot on the team…it causes a lot of stress.’

‘We are in constant fear of speaking out and being accused of jealousy or transphobia.’ ‘I fear retribution and losing my career.’

Best interests of the child (Articles 3, 16, 19, 24, 37, CRC).

* 1. Puberty blockers and cross sex hormones for children with gender confusion are not evidence-based.[[17]](#footnote-17) Sports condoning these interventions may contravene the human rights of children.

# Actors responsible (Q3 and Q4).

These include the IOC, and some international federations (IFs) and NSOs, self-styled human rights organisations and transgender advocacy groups.

The IOC Framework, developed in conjunction with ‘Shift’, did not address the human rights of females to equality with males,[[18]](#footnote-18) and the IOC did not consulted widely, if at all, with female athletes. The majority of CHPFAP athletes do not support the Framework. Comments include:

‘I can’t believe that IOC has not hired experts and made these decisions that discriminate against natal females’.

‘I completely disagree with the IOC framework presumption of no advantage for TW in F sport. This is completely without evidence’.

‘So much controversy could have been avoided had the IOC undertaken proper consultation with scientists and female competitors.’

CCES guidelines do not recognise the human rights of female athletes based on sex and advocate for eligibility for female sport via self-identified gender. The Canadian sport infrastructure including Canadian Women and Sport (CWS), E-Alliance, AthleteCAN and some Canadian NSOs, follows CCES guidelines and adopt policies permitting eligibility into female sport via gender identity[[19]](#footnote-19),[[20]](#footnote-20),[[21]](#footnote-21),[[22]](#footnote-22),[[23]](#footnote-23).

CCES guidelines mean the majority of CHPFAP athletes cannot express their view that biological sex matters in sport, engendering a culture of silencing and fear. One athlete explains,

‘CCES might have confounded these two ideas (sex and gender identity) or used biased research to support their data. There are transwomen and transmen not trans females … they need to do better as experts in their fields.’

Another commented the ‘CCES position is absurd!’ Two are extremely critical of the CCES and CWS, for adopting ‘unneutral’, ‘uninclusive’ ‘biased’ and ‘bullying’ tactics.

Female athlete wellbeing and welfare has not been considered by the CCES. Several CHPFAP athletes do not feel safe to discuss transgender inclusion within the Canadian sport infrastructure. CCES, CWS, AthleteCAN, E-Alliance, Own the Podium and Sport Canada were all mentioned. Comments include:

‘It’s not a comfortable conversation at all, it’s incredibly sensitive… I am absolutely ridiculed, gaslit, shamed, vilified … we’re not free to express our concerns’.

‘I just couldn’t believe the impact that this bullying was having on female athletes’. ‘This movement that’s supposed to be about … anti-bullying, is like the biggest bullies of all’.

‘If you don’t toe the party line you are called transphobic’. ‘You literally are just so afraid’. ‘I don’t think that the administrators are willing to have a conversation in a psychologically safe space’.

Four athletes in particular talk about a problematic Canadian sport culture. One explained,

‘I’ve just been horrified that the academic leaders in sport in Canada…[and] organisations like CCES, CWS, AthleteCAN…have taken such an unneutral position’. ‘…the idea that diversity and inclusion is the most uninclusive discussion environment, like the irony, it’s incredible, these are the most closed minded…they don’t allow any diversity in views’.

# Examples of good practice (Q6,7,9).

Increasingly IFs are reinstating equal human rights for female athletes. World Aquatics upholds,

‘equal opportunity for both male and female athletes’ and ‘equal representation in its programs and competitions of athletes of both biological sexes’.

It explains,

‘[a]ll male athletes including athletes with 46 XY DSD, are eligible to compete in World Aquatics competitions and to set World Aquatics World Records in the men’s category, regardless of their legal gender, gender identity, or gender expression.’

Similarly, World Athletics and the Union Cyliste Internationale now offer ‘equal opportunities to all athletes to participate … and excel’[[24]](#footnote-24) and ‘protect the female class and ensure equal opportunities’[[25]](#footnote-25).

Importantly, female athletes overwhelming support sex testing which protects the female category. A 1996 female Olympian survey found 82% of 928 athletes supported sex testing[[26]](#footnote-26). Similarly, the majority of CHPFAS athletes do not object to sex testing with one commenting,

‘keep testing and screening, please! The female category requires rigorous gatekeeping to maintain the level playing field for women and girls’.

1. [Female Olympians’ voices: Female sports categories and International Olympic Committee Transgender guidelines - Cathy Devine, 2022 (sagepub.com)](https://journals.sagepub.com/doi/10.1177/10126902211021559) [↑](#footnote-ref-1)
2. [Female Sports Participation, Gender Identity and the British 2010 Equality Act: Sport, Ethics and Philosophy: Vol 16, No 4 (tandfonline.com)](https://www.tandfonline.com/doi/abs/10.1080/17511321.2021.1993982) [↑](#footnote-ref-2)
3. [Sex and Gender: A Contemporary Reader - 1st Edition - Alice Sullivan - (routledge.com)](https://www.routledge.com/Sex-and-Gender-A-Contemporary-Reader/Sullivan-Todd/p/book/9781032261195) (Chapter 14) [↑](#footnote-ref-3)
4. [Canadian-High-Performance\_Female\_Athletes\_Voices-Project\_Report-compressed.pdf (macdonaldlaurier.ca)](https://macdonaldlaurier.ca/wp-content/uploads/2023/02/Canadian-High-Performance_Female_Athletes_Voices-Project_Report-compressed.pdf) [↑](#footnote-ref-4)
5. [The Core International Human Rights Instruments and their monitoring bodies | OHCHR](https://www.ohchr.org/en/core-international-human-rights-instruments-and-their-monitoring-bodies) [↑](#footnote-ref-5)
6. [Sex and Gender: A Contemporary Reader - 1st Edition - Alice Sullivan - (routledge.com)](https://www.routledge.com/Sex-and-Gender-A-Contemporary-Reader/Sullivan-Todd/p/book/9781032261195) Chapters 8 and 14 [↑](#footnote-ref-6)
7. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [↑](#footnote-ref-7)
8. [The International Olympic Committee framework on fairness, inclusion and nondiscrimination on the basis of gender identity and sex variations does not protect fairness for female athletes - Lundberg - 2024 - Scandinavian Journal of Medicine & Science in Sports - Wiley Online Library](https://onlinelibrary.wiley.com/doi/10.1111/sms.14581) [↑](#footnote-ref-8)
9. [Olympic Charter (olympics.com)](https://olympics.com/ioc/olympic-charter) [↑](#footnote-ref-9)
10. [IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations - Official Olympic Documents (olympics.com)](https://olympics.com/ioc/documents/athletes/ioc-framework-on-fairness-inclusion-and-non-discrimination-on-the-basis-of-gender-identity-and-sex-variations) [↑](#footnote-ref-10)
11. [Advice of Karon Monaghan KC.pdf (doyleclayton.co.uk)](https://content.doyleclayton.co.uk/hubfs/Advice%20of%20Karon%20Monaghan%20KC.pdf) [↑](#footnote-ref-11)
12. [Equality Act 2010 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2010/15/section/195) [↑](#footnote-ref-12)
13. [cces-transinclusionpolicyguidance-e.pdf](https://cces.ca/sites/default/files/content/docs/pdf/cces-transinclusionpolicyguidance-e.pdf) [↑](#footnote-ref-13)
14. FINA. 2022b. Extraordinary General Congress| 19th FINA World Championships | Budapest

    <https://www.youtube.com/watch?v=tiujU5nUq6A> [↑](#footnote-ref-14)
15. [transgender-policy-consultation-process-2022.pdf (britishtriathlon.org)](https://www.britishtriathlon.org/britain/documents/about/edi/transgender-policy-consultation-process-2022.pdf) [↑](#footnote-ref-15)
16. [Nine-tenths of female cyclists don’t want to race against trans women, according to survey (thetimes.co.uk)](https://www.thetimes.co.uk/sport/cycling/article/nine-tenths-of-female-cyclists-dont-want-to-race-against-trans-women-according-to-survey-d2nhxkn9v#:~:text=%E2%80%9CThe%20CPA%20women%20ran%20a,as%20saying%20by%20The%20Telegraph.) [↑](#footnote-ref-16)
17. [Final Report – Cass Review](https://cass.independent-review.uk/home/publications/final-report/) [↑](#footnote-ref-17)
18. Shift. Sports and Human Rights. <https://shiftproject.org/what-we-do/sports/> [↑](#footnote-ref-18)
19. Gender Inclusion Policy Badminton Canada. <https://www.badminton.ca/file/868248/?dl=1> [↑](#footnote-ref-19)
20. Football Canada. Transgender inclusion policy. <https://footballcanada.com/wp-content/uploads/2022/03/TRANSGENDER-INCLUSION-POLICY.pdf> [↑](#footnote-ref-20)
21. USports 2018. U Sports approves inclusive new policy for transgender student athletes. <https://usports.ca/uploads/hq/Media_Releases/Members_Info/2018-19/Press_Release_-_Transgender_Policy.pdf> [↑](#footnote-ref-21)
22. OVA. 2015 Transgender Athlete Policy. <https://www.transathlete.com/_files/ugd/2bc3fc_ce091b61c91d4c3c920f4ef808047f87.pdf> [↑](#footnote-ref-22)
23. Archery Canada. 2018. Archery Canada – Trans Inclusion Policy. <https://archerycanada.ca/wp-content/uploads/2019/07/Trans-Inclusion-Policy.pdf> [↑](#footnote-ref-23)
24. [Book of Rules | Official Documents (worldathletics.org)](https://worldathletics.org/about-iaaf/documents/book-of-rules) [↑](#footnote-ref-24)
25. [The UCI adapts its rules on the participation of transgender athletes in international competitions | UCI](https://www.uci.org/pressrelease/the-uci-adapts-its-rules-on-the-participation-of-transgender-athletes-in/6FnXDIzvzxtWFOvbOEnKbC) [↑](#footnote-ref-25)
26. [Gender verification of female athletes | Genetics in Medicine (nature.com)](https://www.nature.com/articles/gim2000258) [↑](#footnote-ref-26)