

Input to the report of the Special Rapporteur on violence against women and girls to the UN General Assembly on violence against women and girls in sport

European Gay & Lesbian Sports Federation

Lesbian, bisexual, transgender, and intersex women engage and participate in sport as athletes, coaches, spectators and other parts of the sports movement. Their experience within sport is however tainted by specific challenges, episodes of violence, harassment and discrimination.

In 2021, the European Gay & Lesbian Sports Federation jointly prepared the briefing note *LBTI women in sport: violence, discrimination, and lived experiences*¹ 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.

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 phenomena largely unseen. The following key points are explored more fully in the briefing note:

- that LBTI women are exposed to pressure into “feminine” sport, wage gaps compared to men, harassment, bullying, isolation, physical violence, and blanket exclusion. Even if not homogenous, these experiences are rooted directly in sexist views of the ability of women to participate - physically and psychologically;
- they are also rooted in sexist views on the appropriateness of women using their own bodies in sport, which is particularly manifest in in the regulation and control of the bodies of intersex women;
- lesbophobia is commonplace in sport, and particularly experienced as a combination of misogyny and sexuality-related stigma, and despite some progress regarding LGBTI acceptance, lesbian, bisexual and queer (LBQ) women participating in sport have to deal with each;
- that the protection of “femininity” in sport has a profound impact on the experiences of lesbian and bisexual women in sport, especially by imposing via violent acts, discriminatory practices and hate speeches a “compulsory” heterosexuality over athletes and coaches;
- arguments related to the so-called “protection” of women in sport are at the basis of discrimination in access to competitions suffered by trans women while they provide the ideological basis for violence, harassment and hate speech faced by trans athletes at all levels when engaging in sport activities;

¹ <https://www.eglsf.info/wp-content/uploads/20210810-violence-and-discrimination-against-LBTI-women-in-sport.pdf>

- that many LGBTI women will experience intersectional discrimination relating to their sexual orientation, gender identity and expression, and sex characteristics and which can further intersect with other social oppression related in particular to race and class.

The full briefing note is linked in the footnotes, and it provides a full and detailed account of these key issues.

The report of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe (2022)² 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 sports³.

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 characteristics⁴ and particularly draw attention to the need for appropriate research. The 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. One very recent groundbreaking piece of research from Hamilton et al⁵ 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 letter⁶ 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.

The Revised European Sports Charter⁷ makes clear that access to sport for all is considered to be a fundamental right, while the Committee of Ministers Recommendation CM/Rec(2010)5⁸ 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. We have published the following recommendations to Member States in our 2021 report⁹

- Support awareness-raising campaigns regarding violence and discrimination against LGBTI women in sport, including by uplifting LGBTI women role models.

² <https://assembly.coe.int/LifeRay/EGA/Pdf/TextesProvisoires/2022/20220916-DiscriminationWomenSport-EN.pdf>

³ <https://www.houstonchronicle.com/opinion/outlook/article/wnba-brianna-turner-phoenix-trans-inequality-17830420.php>

⁴

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

⁵ <https://bjsm.bmj.com/content/early/2024/04/10/bjsports-2023-108029>

⁶ <https://leapsports.org/news/lettertotesswhitemsp>

⁷ <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>

⁸ https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cf40a

⁹ <https://www.eglsf.info/wp-content/uploads/20210810-violence-and-discrimination-against-LGBTI-women-in-sport.pdf>

- States should create laws that explicitly ensure that regulations and practices in public and private sectors, e.g. in competitive sport, do not bypass national protection and anti-discrimination legislation and provisions.
- Ensure that sports associations, teams, and facilities
 - put in place measures to actively include and openly and visibly welcome LGBTI athletes
 - ensure that the gender identity and expression, names, and pronouns of trans athletes are respected
 - ensure that trans athletes can both train and compete according to their gender identity and/or on teams where they feel safe
 - sanction discrimination, harassment, and violence against LGBTI people in sports
 - ensure that coaches, staff, and others are educated on SOGIESC issues
- Provide funding for the creation of LGBTI or trans-specific sports initiatives and spaces.
- Ensure that schools of journalism and media training institutes introduce specialist courses in their core curricula with a view to developing a sense of professionalism which is attentive to the equitable coverage of women in sport with special attention to elimination of lesbophobia, transphobia, and interphobia.
- Collect data on hate speech against LGBTI women in sport media coverage and implement efforts to combat said hate speech.
- Ensure engagement with long-established women's sports organisations when setting LGBTI women related sport policies.

In its recent issue paper *Human Rights and Gender Identity and Expression*¹⁰ 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).

With this submission, we urge you to take into account the needs of LGBTI women in sport and ensure the full respect of their fundamental rights.

The European Gay & Lesbian Sports Federation

¹⁰ <https://rm.coe.int/issue-paper-on-human-rights-and-gender-identity-and-expression-by-dunj/1680aed541>