IOC FRAMEWORK ON FAIRNESS, NON-DISCRIMINATION AND INCLUSION

MEDIA ROUND TABLE

16 November 2021
INTRODUCTION

IOC Working Group on Athletes’ Inclusion:

• **Christian Klaue** – Director of IOC Corporate Communications and Public Affairs department

• **Dr. Richard Budgett** – Director of IOC Medical and Scientific department

• **Kaveh Mehrabi** – Director of IOC Athletes’ department

• **Katia Mascagni** – Head of Public Affairs, IOC

• **Magali Martowicz** – Head of Human Rights, IOC

• The IOC legal team
**Cisgender**
Someone whose gender identity aligns with the sex that they were assigned at birth. A cisgender man was assigned male at birth; a cisgender woman was assigned female at birth.

**Intersex variations**
Refers to variations in one’s physical (external/internal) or hormonal traits that do not conform with the traditionally understood characteristics of one of the two sexes (male/female). Some of these variations result in higher levels of testosterone (hyperandrogenism).
Transgender
Someone who identifies with a gender that is different from the sex that they were assigned at birth. A transgender man is a man who was assigned female at birth; a transgender woman is a woman who was assigned male at birth.
1. **KEY MILESTONES**

- **2003**
  IOC allows transgender athletes to compete, provided they undergo sex reassignment surgery

- **2009**
  First public investigation on hyperandrogenism around Caster Semenya’s case

- **2015**
  CAS ruling on Dutee Chand suspends any hyperandrogenism rule
  Consensus Statement removes surgery requirement, but still requires 10 nmol/l level of testosterone for transgender female athletes

- **2019**
  World Medical Association takes position on unethic medical intervention
  IOC revamps process to include, for the first time, consultation with affected athletes
  Human Right Council (HRC) condemns use of medical intervention on athletes on basis of human rights standards
  The World Health Organization (WHO) removes “gender identity disorder” from its global manual of illnesses
  HRC presents its report on discrimination on sport and gender identity
  Tokyo 2020 Games with first openly transgender athletes
  IOC finalizes consultations and releases Framework

- **2020**
  Swiss Tribunal presents its decision on CAS and Caster Semenya’s case
  Human Right Council (HRC) condemns use of medical intervention on athletes on basis of human rights standards

- **2021**
  Tokyo 2020 Games with first openly transgender athletes

- **2022**
  Roll-out of the IOC Framework
2. THE INTERNATIONAL CONTEXT

- **Highly politicised and divisive** debate around the world
- **No scientific consensus**
  - how Testosterone affects performance across all sports
- Cases of **severely harmed athletes** coming to light
- The UN asking States to legislate, although different approaches even within countries
- World Medical Association taking position

- Questions from IFs for IOC to provide answers
- Some IFs going through their own processes
- Transgender and intersex athletes are as **diverse** as any athletes
- Tokyo 2020 Transgender participation
- Athletes seeking remedy
IOC EXPECTED BY PUBLIC DEBATE TO CHOOSE BETWEEN TWO EXTREMES

Context

False perception that IOC must *choose* one of two sides

Control gender categories with blanket bans or medically unnecessary interventions, sex testing

Dissolve gender categories and allow everyone to compete wherever they want

“The Olympic spirit is about building bridges”
3. RECAP OF CONSULTATION PROCESS

In 2019, the IOC launched an unprecedented consultation process, including a wide array of stakeholders to understand their concerns, experiences, perspectives, as well as data and informed opinions. It included:

**Legal perspectives**

**Scientists and doctors**

**IOC Medical and Scientific Commission**

**Male & Female athletes**

**LGBTIQ experts**

**International Federations (IFs)**

**IOC Women in Sport Commission**

**Transgender and intersex athletes**

**IOC Athletes’ Commission (+ Entourage)**

**Human rights organizations**

**NOCs**

**IOC Legal Affairs Commission**

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**The numbers:**

- **60 +** in-person consultations plus dozens of calls, virtual meetings and conversations.
- **250 +** athletes and stakeholders consulted in total, across a variety of fields, sports and geographies.
4. WHAT WE HAVE LEARNED FROM ATHLETES, INTERNATIONAL FEDERATIONS, AND EXPERTS

1. Sport should continue to ensure equal and fair opportunity for women to compete
2. Athletes should be allowed to compete, but unfair advantage needs to be regulated
3. Competitive advantage differs across sports, and sometimes even disciplines and events
4. Unclear role of testosterone to measure unfair advantage, because performance is measured differently across sports

5. Concerns around safety, particularly in contact/combat sports
6. Eligibility criteria have sometimes resulted in severe harm
7. Importance of consulting with athletes
8. Level playing field versus reality
### 4. WHAT ELSE WE HAVE LEARNED

<table>
<thead>
<tr>
<th>WE LEARNED THAT</th>
<th>SO, INSTEAD OF</th>
<th>WE SHOULD</th>
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<tr>
<td>Policies that aim to verify the sex of an athlete put ALL athletes at risk of facing abuse and this affects ALL women</td>
<td><strong>Policing</strong> the bodies of athletes (sex testing, invasive physical examinations, etc.)</td>
<td><strong>Focus on performance</strong> so that ALL athletes in a gender category have a <strong>FAIR</strong> opportunity to compete and win</td>
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<td>There is an unclear role of <strong>testosterone alone</strong> in predicting performance across all sports</td>
<td>Setting a <strong>one-size-fits-all</strong> testosterone threshold for women to compete in the female category</td>
<td>Offer IFs <strong>flexibility</strong> to set eligibility criteria that is based on what unfair advantage means in their sport</td>
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<td>Policies that require women to <strong>modify their hormone levels</strong> to compete can have serious adverse impacts on their health</td>
<td>Requiring healthy women to undergo <strong>medically unnecessary treatments or procedures.</strong></td>
<td>Find ways to include all women in a way that does not put some athletes at an <strong>unfair disadvantage.</strong></td>
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The IOC **recommends** a *one-size-fits-all* approach that all International Federations should apply to define eligibility.

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**2015 Consensus Statement**
*(Current approach)*

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**Proposed Framework**
*(replaces previous approach, including Consensus Statement 2015)*

The IOC offers guidance to International Federations on how to design eligibility criteria **that work for their own sport/context**, while considering **fairness, inclusion** and **non-discrimination**.
A 10-PRINCIPLE APPROACH TO DECISION-MAKING

Guides sports organisations through ten principles that they should follow when setting their own eligibility criteria.

Sports organisations should consider the ten principles collectively (not as a menu to pick from).
**THE PRINCIPLES**

**INCLUSION**

✓ Everyone should be able to **participate in sport** safely and without prejudice.

✓ Sports organisations should **promote inclusion and prevent discrimination**.

✓ Mechanisms to prevent **harassment and abuse** should consider trans and intersex athletes.

**PREVENT HARM**

✓ Criteria should consider the health and well-being of athletes.

✓ Sports organisations should prevent **negative impacts** on health.

**NON-DISCRIMINATION**

✓ Criteria should not **systematically** exclude athletes solely based on their gender identity/sex variations.

✓ Criteria should focus on **preventing unfair advantage**, not on targeting and testing athletes' sex.
Eligibility criteria should aim to:

- Ensure **fairness** (prevent **unfair advantage**)
- Prevent **risk to physical safety**
- Prevent **cheating** by athletes who abuse inclusion rules

Athletes should not make assumptions based on **how athletes look**

Criteria should be **based on evidence**

Restrictions to competition should be based on robust, **credible research**. Sports organisations should follow criteria to prove that a **disproportionate advantage or safety risks** exist
Athletes should not be pressured to undergo medically unnecessary procedures or treatment.

Criteria should not include invasive examinations to their bodies.

Sports organisations should consult with athletes when setting criteria.

Decisions that affect athletes should be fair, neutral and impartial.

Athletes should have safe ways to raise concerns and grievances.
Sports organisations should **preserve the privacy** of athletes.

**Compliance** with privacy laws when handling information.

Requiring **informed consent** from athletes to collecting personal data.

Eligibility criteria should be **subject to review** as new developments arise.
6. ROLL OUT PHASE FROM MARCH 2022 ON - DETAILS

IOC SUPPORT

Webinars for IFs and athletes’ representatives

Make IOC Expertise on the IOC Framework available to IFs

Research Fund

• Leverage existing fund for specific TG/DSD research
• Continue gathering evidence and knowledge