



Iranian Lesbian and Transgender Network

## Violence against LGBTI women and girls in sports

*Special Rapporteur on violence against women and girls, its causes and consequences*

08 April 2024

**Joint submission by:**

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World)<sup>1</sup>

**With the support of:**

Sport and Rights Alliance<sup>2</sup>

Office against Discrimination, Racism and Intolerance (ODRI)<sup>3</sup>

6Rang<sup>4</sup>

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<sup>1</sup> ILGA World (International Lesbian, Gay, Bisexual, Trans and Intersex Association), <https://ilga.org>, established in 1978, is a federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex (LGBTI) human rights. ILGA World enjoys the ECOSOC status, consistently engaging with UN human rights bodies, and conducts legal and socio-economic research on the situation of LGBTI persons. ILGA World supports local LGBTI civil society groups engaging with United Nations treaty bodies, special procedures and the Human Rights Council. It also produces research publications on social and legal situation of LGBTI persons. This includes Annual Treaty Bodies Reports, Treaty Bodies Strategic Litigation Toolkit, Special Procedures Factsheets and ILGA World Database.

<sup>2</sup> The Sport & Rights Alliance is an unprecedented global coalition of leading NGOs and trade unions working together to embed human rights and anti-corruption across world sport. Founded in early 2015, we exist to promote the rights and well-being of those most affected by the negative impacts of sport. We use our collective influence to pressure global sports bodies to ensure their decision-making and operations respect international standards for human rights, labour rights, and anti-corruption, in accordance with the UN Guiding Principles on Business and Human Rights.

<sup>3</sup> The Office against Discrimination, Racism and Intolerance (ODRI) is a LGBTI, anti-racist, apolitical NGO established in 2017. Among its principal goals is the introduction of intersectional approaches in human rights mechanisms, and the contribution to environmental, social, and racial justice. Furthermore, ODRI is also responsible for coordinating the strategic participation of human rights activists and networks to empower their significant roles to play in the promotion and the global protection of human rights.

<sup>4</sup> 6Rang (Iranian Lesbian and Transgender Network) is a UK registered not-for-profit organization which was established following the first Iranian lesbian and transgender gathering held in 2010. 6Rang's mission is to raise awareness on sexual rights, and eradicate homophobia, transphobia, and violence against lesbian and transgender people in particular, as well as the LGBTI community in general. 6Rang has made submissions to UN bodies and published reports that, among other issues, have focused on documenting human rights abuses against lesbian, gay and transgender persons in Iran.

## Introduction

Everyone has a right to participate in sports in the spirit of fairness, inclusion, and non-discrimination regardless of one's sexual orientation, gender identity, expression and sex characteristics (SOGIESC). All women and girls in sports, including those who are lesbian, bisexual, transgender, and intersex (LBTI), should be free from abuse, violence, and discrimination of any kind.

In reality, however, LBTI women and girls in sports are disproportionately subjected to various forms of SOGIESC-based discrimination and harassment. The situation is particularly acute for transgender<sup>5</sup> and intersex<sup>6</sup> athletes and persons who wish to play sports.<sup>7</sup> The ideas of fairness and safety have been weaponized to curtail their full participation in sports. They are simultaneously subjected to harassment and violence and falsely portrayed as a threat to the safety of other women and girls in sports.

Discriminatory efforts to restrict the participation of trans and intersex women and girls in sports have severe implications for all women and girls. As an example, so-called sex testing, which involves invasive, humiliating, and unscientific physical examinations to supposedly “verify” the genitalia, chromosomes, or testosterone level of athletes, has been found to cause physical risks that may amount to torture by the United Nations High Commissioner for Human Rights.<sup>8</sup> It harms all women and girls, especially those who are trans, intersex, racialized, and gender non-conforming, as it scrutinizes bodies and intimidates individuals to prevent their participation in sports. It is also worrying that even in countries with relatively progressive legal frameworks on LGBTI

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<sup>5</sup> Transgender people are “people whose gender identity and/or gender expression differ from the sex/gender they were assigned at birth.” Definition taken from the ILGA Europe Glossary.

<sup>6</sup> Intersex individuals are “born with sex characteristics (sexual anatomy, reproductive organs, hormonal structure and/or levels and/or chromosomal patterns) that do not fit the typical definition of male or female.” Definition taken from the ILGA Europe Glossary.

<sup>7</sup> UNESCO and UN Women noted that there is a tension between the gender-segregated nature of sports and the inclusion of transgender, intersex, and non-binary athletes. For more information, see: UNESCO and UN Women, 'Tackling Violence Against Women and Girls in Sport' (2023), p.48, available at [https://www.unwomen.org/sites/default/files/2023-07/3343\\_unwomen\\_unesco\\_vawg\\_handbook\\_6a\\_singlepage.pdf](https://www.unwomen.org/sites/default/files/2023-07/3343_unwomen_unesco_vawg_handbook_6a_singlepage.pdf) (accessed 20 March 2024); The UN High Commissioner on Human Rights' concerns on the impact of female eligibility regulations on the enjoyment of human rights can also be extended to transgender women who are subjected to unnecessary and intrusive medical procedures. For more information, see: Human Rights Council Resolution 40/50, 'The Elimination of Discrimination Against Women and Girls in Sport', available at <https://www.ohchr.org/en/sexual-orientation-and-gender-identity/elimination-discrimination-against-women-and-girls-sport-resolution-405> (accessed 20 March 2024).

<sup>8</sup> A/HRC/44/26: Intersection of race and gender discrimination in sport - Report of the United Nations High Commissioner for Human Rights.  
<https://www.ohchr.org/en/documents/thematic-reports/ahrc4426-intersection-race-and-gender-discrimination-sport-report-uni>  
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human rights, discrimination against and exclusion of LGBTI women and girls in sports persist.<sup>9</sup>

## Discrimination and violence against LGBTI women and girls in sports

**LGBTI women and girls are underrepresented in and have never dominated the world of sports.**

This underrepresentation starts early in schools. A study by Human Rights Campaign on high schools in the United States reveals that while 68% of high school students participated in sports, only 29% of LBTQ girls and 12% of transgender girls did.<sup>10</sup> This continues to be the case in semi-professional, professional, and elite sports. For example, even though a select few trans women and girls have been highlighted in the global media, no trans woman has ever won an Olympic medal or even made it to the podium.<sup>11</sup> In fact, since the first trans inclusion policy was introduced by the IOC in 2003, over 50,000 athletes have competed in the Olympics,<sup>12</sup> but only one openly trans person has competed since then,<sup>13</sup> representing .002%.

Efforts to ban the participation of transgender women and girls in sports, regardless of their success, create unsafe environments and deter them from participating. Around 80% of LGBTI youth, including 82% of transgender youth, are not out to their coaches due to a variety of reasons, including fear of discrimination and violence.<sup>14</sup> Due to the systematic discrimination and harassment they face, trans women and girls drop out of sports at a rate that is significantly higher than their cisgender peers.<sup>15,16</sup>

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<sup>9</sup> In Spain, two laws, the Trans Law (Law 4/2023, of February 28) and the new Sports Law (Law 39/2022, of December 30), were passed in 2023, expanding the rights of LGBTI people in sports. Nevertheless, sports federations with trans-exclusionary measures still exist, including the Athletics, Swimming, Rugby, Archery and Chess Federations. For example, there have been several cases of transphobia on the part of the State Basketball Federation, which has forbidden the Basketball Federations of Catalonia and Castilla La Mancha to let transgender athlete Kendall Martín and transgender minors Lola and Aura to compete. Agrupación Deportiva Ibérica (ADI) LGTBI+ also recorded seven cases of discrimination against transgender people in sports in 2023, which is higher than that against other LGBTI subgroups. For more information, see: OBSERVATORIO CONTRA LA LGTBIFOBIA EN EL DEPORTE (2023).

<sup>10</sup> Human Rights Campaign. (2017). Play to Win.

<sup>11</sup> Canadian Centre for Ethics in Sport (CCES) and E\*Alliance. (2022). Transgender Women Athletes and Elite Sport: A Scientific Review, pp. 30 & 37. Available online at:

<https://www.cces.ca/sites/default/files/content/docs/pdf/transgenderwomenathletesandelitesport-ascientificreview-e-final.pdf>

<sup>12</sup> *Number of men and women athletes participating at the Summer Olympics from 1896 to 2020*. Accessed February 10, 2023, from <https://www.statista.com/statistics/1090581/olympics-number-athletes-by-gender-since-1896/>.

<sup>13</sup> Axon, R. (2021, August 2). *New Zealand's Laurel Hubbard makes history as first transgender woman to compete at Olympics*. USA Today.

<https://www.usatoday.com/story/sports/olympics/2021/08/02/laurel-hubbard-becomes-openly-first-trans-woman-compete-olympics/5451329001/>

<sup>14</sup> Human Rights Campaign. (2017). Play to win: Improving the lives of LGBTQ youth in sports: A special look into the state of LGBTQ inclusion in youth sports. Retrieved from [https://assets2.hrc.org/files/assets/resources/PlayToWin-FINAL.pdf?\\_ga=2.79969047.1693573134.1530650153-950807199.1530034427](https://assets2.hrc.org/files/assets/resources/PlayToWin-FINAL.pdf?_ga=2.79969047.1693573134.1530650153-950807199.1530034427)

<sup>15</sup> Human Rights Campaign. (2019). Play to Win. Available online at

<https://assets2.hrc.org/files/assets/resources/PlayToWin-FINAL.pdf>; ILGA Europe, EL\*C, TGEU, OII Europe and EGSLF. (2021).

LBTI women in sport: violence, discrimination and lived experiences. Available online at

<https://www.tgeu.org/files/uploads/2023/11/2021-violence-and-discrimination-against-LBTI-women-in-sport.pdf>.

<sup>16</sup> A 2019 survey in select European countries found that over half of the trans respondents felt excluded from sports or have at one point stopped participating in a particular sport, with trans women reporting the highest rate of negative experiences in sports, ranging from verbal threats, physical violence, cyberbullying, and discrimination based on their gender identity. For more

These statistics demonstrate that even outside elite sports, LGBTI children, youth, and adults cannot simply participate in local and community sports and are denied their right to participate in sports.

**Efforts to ban or restrict the participation of LGBTI women and girls in sports are arbitrary, discriminatory, or not entirely based on methodologically rigorous research.**

Some of these efforts are simply based on homophobia. For example, in 2013, the president of a women's football club in **Nigeria** stated, "Any female player who has a homosexual relationship will not be eligible to participate. We call on the presidents to control the players. Any female players who have such sexual preferences will not play in the national team."<sup>17</sup>

In 2014, the **Iranian** Football Federation officials dismissed seven women football players, citing 'gender ambiguity.'<sup>18</sup> "Very short hair, men's clothing, and sportswear style are prohibited in the training camps of Iran's women's national football team. Displaying any of these traits almost certainly leads to a sex verification test."<sup>19</sup> Furthermore, if authorities find out a player is lesbian or bisexual, they are sent to the disciplinary committee, which may lead to expulsion from sporting events.<sup>20</sup>

Proposals for blanket bans on transgender women and girls in sports are not rooted in evidence. An in-depth review of scientific and gray literature published between 2011 and 2021 on trans women athletes' participation in elite sports discovered a range of methodological flaws and misleading information in several studies often cited to support these bans.<sup>21</sup> Other scholars have also come forward debunking the methodology and findings of several studies.<sup>22</sup>

These bans ignore the reality that human bodies are complex systems. No single biomarker allows easy comparison of athletes' bodies in terms of performance, as athletes are the "sum of all of their advantages and disadvantages that result in

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information, see: 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. Cologne: German Sport University Cologne, Institute of Sociology and Gender Studies.

<sup>17</sup> [https://www.neakriti.gr/athlitismos/podosfairo/1016077\\_parenebi-i-fifa-gia-tis-omofylofiles-athlitries](https://www.neakriti.gr/athlitismos/podosfairo/1016077_parenebi-i-fifa-gia-tis-omofylofiles-athlitries)

<sup>18</sup> This led to significant abuse and mockery of the players and their gender identity across traditional and social media.

<sup>19</sup> Statement from Shirin, a women's futsal team member, in an interview with 6Rang Iran.

<sup>20</sup> It is often the case that team management or coaches dictate the players' attire and hairstyles, specifically banning short haircuts under the guise of preventing 'masculine' dressing. The personal style choices of non-binary people and trans women, particularly regarding makeup, hair, and clothing, are frequently rejected. A senior lesbian futsal player also shared that their coach mandates women with short hairstyles to cover up with a hat or scarf, or alternatively, to abstain from attending practice. Aysan, a kickboxing athlete, mentioned in an interview with 6Rang that sport authorities exclude players from competitions if they discover an athlete is trans and has not undergone gender-reaffirming surgery. Information shared by 6Rang Iran.

<sup>21</sup> Canadian Centre for Ethics in Sport (CCES) and E\*Alliance. (2022). Transgender Women Athletes and Elite Sport: A Scientific Review, pp. 30 & 37. Available online at:

<https://www.cces.ca/sites/default/files/content/docs/pdf/transgenderwomenathletesand elitesport-ascientificreview-e-final.pdf>.

<sup>22</sup> Hamilton, B., Guppy, F., & Pitsiladis, Y. (2023). Comment on: "Transgender women in the female category of sport: Perspectives on testosterone suppression and performance advantage." *Sports Medicine*, 54(1), 237–242. <https://doi.org/10.1007/s40279-023-01928-8>

performance.”<sup>23</sup> While there are some biological differences between persons assigned male at birth and those assigned female at birth, trans women and girls do not have inherent physical advantages in sports just because they are trans.

A recent study funded by the International Olympic Committee (IOC) even found physically active transgender women participants to perform worse as a group in specific cardiovascular and lower-body strength tests than cisgender women participants. It also found no significant difference between the groups’ hemoglobin profiles and bone density, which are related to athletic performance.<sup>24</sup>

While access to financial and material resources can result in advantages in sport, only specific biomedical factors are “policed under a mandate of ‘fairness’ in elite sport.”<sup>25</sup> This is also linked to sexism as many insist, despite strong evidence to the contrary, that bodies are dimorphic, testosterone is the be-all and end-all of competitive advantage, and no matter what, women athletes are inherently weaker than male athletes.<sup>26</sup>

**Blanket bans and invasive sex-testing procedures affect not only trans women and girls but also other women and girls and persons of diverse sex characteristics, especially those who are racialized.**

So-called sex testing is a harmful and unscientific practice in sports dating from the 1960s that subjects elite women athletes to humiliating and traumatic procedures, including mandatory genital exams and invasive medical testing, to verify each athlete’s “biological femaleness.”<sup>27</sup>

Racist tropes that undermine the “femininity” of racialized women and girls mean that women from the Global South have been disproportionately affected.<sup>28</sup> Intersex women athletes, including those who had no previous awareness of their intersex status, have been traumatized and unjustly disqualified due to invasive “sex testing.” These harmful procedures, which are based on and uphold binary and inaccurate

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<sup>23</sup> Canadian Centre for Ethics in Sport (CCES) and E\*Alliance. (2022). Transgender Women Athletes and Elite Sport: A Scientific Review, pp. 23. Available online at:

<https://www.cces.ca/sites/default/files/content/docs/pdf/transgenderwomenathletesandelitesport-ascientificreview-e-final.pdf>

<sup>24</sup> The researchers concluded that these results “should caution against precautionary bans and sport eligibility exclusions that are not based on sport-specific (or sport-relevant) research.” For more info, see: Hamilton, B., Brown, A., Montagner-Moraes, S., Comeras-Chueca, C., Bush, P. G., Guppy, F. M., & Pitsiladis, Y. P. (2024). Strength, power and aerobic capacity of transgender athletes: a cross-sectional study. *British Journal of Sports Medicine*.

<sup>25</sup> This includes infrastructure, equipment, nutrition, time to train, and higher salaries. Ibid, p. 6.

<sup>26</sup> Erikainen, 2020; Karkazis and Jordan-Young, 2018; Pieper, 2016; Sanchez et al., 2013; Sullivan, 2011; CCES Literature Review, p. 35.

<sup>27</sup> See for example Sean Ingle, Sweden players had to show their genitalia at 2011 Women’s World Cup, says Nilla Fischer. Available online at:

<https://www.theguardian.com/football/2023/jun/12/sweden-players-had-to-show-their-genitalia-at-2011-womens-world-cup-says-nilla-fischer>

<sup>28</sup> See, for example, the cases of Indian Sprinter, Dutee Chand, South African Track Star Caster Semenya, and the women represented in the film *Category Woman*. More on the film here: <https://ff.hrw.org/film/category-woman>; See also the Algerian female boxer, Imane Kelif, who was recently disqualified from World Championships. More here: <https://www.reuters.com/lifestyle/sports/two-disqualified-failing-meet-eligibility-criteria-world-champs-2023-03-26/>

understandings of sex, exclude intersex people who identify as women and girls just because of their naturally high testosterone levels.

Some individual examples of women in all diversities excluded from sports and that have not been as publicized include:<sup>29</sup>

- [Ednanci Silva](#), an intersex former judo athlete, World Champion medalist, and two-time Pan American champion, challenged stereotypes and faced significant prejudice throughout her career. In 1995, she was banned from competing after competitors signed a letter requesting her exclusion. To compete in the 1996 Olympic Games, she was forced to remove her testicle and uterus.<sup>30</sup>
- [Imane Khelif](#), a cisgender Algerian boxing athlete, was often bullied for her appearance and excluded just before the final match of the 2023 International Boxing Association (IBA) Women's World Boxing Championships for failing to meet eligibility rules or due to high levels of testosterone.<sup>31</sup>
- [Tiffany Abreu](#), the first trans woman to play in Brazil's National League, started her gender transition in 2012. She previously played in the men's league until the age of 29. Despite following International Volleyball Federation rules, Tiffany has received backlash from the press, other volleyball players, and even famous coach Bernardinho, who referred to her as a man after his team lost a match. Tiffany, falsely accused of having an unfair advantage, continues playing in the women's league.

At the same time, discriminatory practices against trans women and girls in sports have been found to decrease the participation of all women and girls in school sports.<sup>32</sup> Beyond restricting the participation of trans women and girls in sports, discriminatory practices and rhetoric affect their health, safety and well-being.<sup>33</sup>

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<sup>29</sup> Another case is that of Erika Coimbra, a cisgender former volleyball player, was excluded from competing at the Sydney Olympic Games in 2000 upon discovering that she was born with Morris syndrome, a rare genetic disorder characterized by androgen resistance. Erika says the International Olympic Committee was disrespectful in disclosing her case to the press and not giving her control over the situation or time to provide a full diagnosis.

<https://www.uol.com.br/esporte/volei/ultimas-noticias/2021/01/31/erika-coimbra-testes-de-genero.htm>

<sup>30</sup> In addition to all of the challenges and numerous doping and sex tests, she competed in four Olympic games and assisted blind athletes in their preparation for the Paralympic Games in Tokyo in 2021.

<https://www.otempo.com.br/sports/comentaristas/sem-o-peso-das-competicoes-edinanci-silva-encontra-nova-vida-no-judo-1.2959426>

<sup>31</sup> Khelif shared on social media: "I was often bullied because of my appearance, and I resisted and continued to struggle despite everything. Today, their plot succeeded, and frankly, I am experiencing a great shock."

<sup>32</sup> As stated in the National Women's Law Center National Women's Law's written testimony to the U.S. House Committee on Oversight and Accountability Subcommittee on Health Care and Financial Services: "Recent data from the CDC shows state policies that prevent transgender high school students from playing are correlated with lower participation by all high school girls between 2011 and 2019; meanwhile, participation by all girls remained unchanged in states with policies allowing transgender students to play." More information: Ctr. for American Progress, Fair Play: The Importance of Sports Participation for Transgender Youth 14-17 (2021), <https://www.americanprogress.org/article/fair-play/>

<sup>33</sup> In the context of the rise of broader anti-trans legislation in the United States, trans, nonbinary, and intersex youth "expressed concerns of being a burden to their families and reported increased thoughts of suicide, and both TGD [trans and gender diverse] youth and caregivers have reported increased anxiety and hypervigilance." When asked if they had considered or attempted

It is important to highlight that some proposed “solutions”, for example, adding a third category<sup>34</sup> to supposedly open the space for trans and intersex women in sports, **may not respect their right to play in teams and categories that affirm their gender identities and risk being discriminatory.** A third category may perpetuate harm by othering and segregating them against their wishes and depriving them of the same opportunities that their cisgender peers enjoy, including “the best part of sport – learning from and growing with a diverse group of teammates.”<sup>35</sup>

**We must center facts and debunk myths in our discussions on LGBTI women and girls in sports.**

The idea that cis women need to be “protected” from transgender women or women with intersex variations is rooted in misplaced fear and diminishes the actual challenges women and girls face in sports.<sup>36</sup>

Rhetoric and misinformation about transgender women and girls are violent and have real-life consequences, as they can result in them being systematically – and often violently – excluded from sports.

For fact-based information on the reality of trans and intersex women in sports, see **Annex.**

## Recommendations

**To sport bodies:** The responsibilities of sport bodies extend beyond the private sphere, especially when they receive government funding or are overseen by public regulatory bodies. As per the UN Guiding Principles on Business and Human Rights,<sup>37</sup> they have the responsibility to respect the rights of all women and girls and both prevent and address all forms of discrimination, harassment, and violence.

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suicide in the past year, trans boys/men (59% considered, 22% attempted), trans girls/women (48%, 12%), nonbinary/genderqueer individuals (53%, 19%), and individuals questioning their gender identity (48%, 14%) all reported much higher rates of suicidal ideation and intent than their cisgender peers. These rates are further exacerbated for trans and nonbinary youth of color. More information: Trevor News. (2022). New Study Examines Why Transgender Girls Participate in High School Sports, as Wave of Sports Bans are Implemented Across the U.S.. The Trevor Project. Available online at: <https://www.thetrevorproject.org/blog/new-study-examines-why-transgender-girls-participate-in-high-school-sports-as-wave-of-sports-bans-are-implemented-across-the-u-s/>. Also see: Kuper, L.E., Cooper, M.B., Mooney, M.A. (2022). Supporting and Advocating for Transgender and Gender Diverse Youth and Their Families Within the Sociopolitical Context of Widespread Discriminatory Legislation and Policies. *Clinical Practice in Pediatric Psychology*, 10(3), 336-345.

<sup>34</sup> For examples, see: British Cycling and World Aquatics.

<sup>35</sup> For more information, see: Athlete Ally Responds to USAPL's Harmful “Third Category.”

<sup>36</sup> This misplaced attention shifts the focus away from the real issues that women and girls face in sports, including high rates of sexual harassment and assault, often by their coaches, lack of investment in and opportunities for women and girls’ sports, lack of pay equity, and more. CCES Literature Review p.41-42; Staurowsky, E. J. et al Watanabe, N., Cooper, J., Cooky, C., Lough, N., Paule-Koba, A., Pharr, J., Williams, S., Cummings, S., Issokson-Silver, K., & Snyder, M. (2020). Chasing Equity: The Triumphs, Challenges, and Opportunities in Sports for Girls and Women. New York, NY: Women’s Sports Foundation; Staurowsky, E. J., C.L., Flowers, E. Busuvis, L. Darwin, & Welch, N. (2022). “50 Years of Title IX: We’re Not Done Yet,” New York, NY: Women’s Sports Foundation.

<sup>37</sup> These Guiding Principles have been recognized by the IOC, FIFA, and other global sport governing bodies,

- Private aspects of an athlete's life should not be grounds for exclusion, and any attempt to uncover such information is unlawful, arbitrary, and disproportionate.
- Athletes who choose to share their SOGIESC publicly or have been outed without their consent should not face punishment or retaliation.
- Individuals and groups who maliciously out people with diverse SOGIESC without consent should face appropriate disciplinary measures.
- Decisions regarding their career progression, selection, development, social security, and health benefits must not be influenced by their SOGIESC.
- Discrimination must be addressed, with the burden of proof placed on sports associations and governments rather than the victims.
- Invasive, harmful, and unscientific “sex testing” that examines genitalia, chromosomes, and hormone levels to “prove” or “verify” the sex of athletes should be eliminated.
- There must be no blanket bans on the participation of LGBTI women and girls in sports as they are discriminatory. Efforts should be directed to encourage their participation in the spirit of fairness, inclusion, and non-discrimination.

**Governments** play a crucial role in enforcing these principles, mainly when providing public funding or oversight to private sports entities and ensuring the protection of the right to sports.

- Detect, investigate, and sanction derogatory speech against athletes based on their SOGIESC.
- Prohibit invasive, harmful and unscientific “sex testing” and blanket bans on the participation of trans women and girls at all levels of sports.
- Ensure access to remedy and redress for discrimination and violence based on SOGIESC in sports.
- Release guidelines on the participation of LGBTI women and girls in sports based on fairness, inclusion, and non-discrimination, and in line with international human rights standards, and strengthen the capacity of schools, local governments, and sport bodies to implement them.

**To the Special Rapporteur on VAWG:** we encourage you to consider fact-based sources on the inclusion of trans and intersex women in sports. We are concerned about the use of inappropriate language in the call for input for this report, particularly:

*“Furthermore, in some jurisdictions, sports traditionally reserved for female athletes are now open to male athletes based on their gender identity and who identify as women and girls.”*

This choice of language risks exacerbating the already dire situation of trans women in sports, as supporters of trans-exclusionary policies often use concepts such as



“biological males” to describe transgender women and girls to suggest that they should be banned from sports. This language perpetuates discrimination, and we recommend that the Special Rapporteur use appropriate terminology in her report in alignment with international human rights standards to avoid this risk.

# Annex

## **Best practices**

Sports can be safe and fair while including trans and intersex women and girls. A truly safe, fair, and inclusive sports environment means protecting the health, safety, privacy, and bodily autonomy of all women and girls who wish to participate in sport. Several sport organizations have developed and implemented policies and guidelines to ensure the participation of LGBTI women and girls in sports.

- The 2021 IOC Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations specifically outlines that transgender or intersex status does not automatically mean that athletes have a competitive advantage.
- Canada Rugby does not only allow transgender women to play rugby, it has also released ethical guidelines to prevent and mitigate violence that transgender women may face in rugby.<sup>38</sup>
- The Canadian Centre for Ethics in Sport recommends that sports bodies and organizations enact inclusion-first policies and has released guidelines on how to develop these.<sup>39</sup>
- Sport New Zealand Ihi Aotearoa (Sport NZ) has released its Guiding Principles for the Inclusion of Transgender People in Community Sport, which emphasize the importance of listening, responding, and consultation.<sup>40</sup>
- The largest German sports federation, the German Football Association (DFB), has a regulation ensuring the right to play of trans, intersex, and non-binary people in the category that affirms their gender.<sup>41</sup>
- Women's Sports Foundation has made comprehensive recommendations to policymakers, education administrators, sport governing bodies, and coaches, as well as students, athletes, and parents, on ensuring a "transgender-affirming sports environment."<sup>42</sup>

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<sup>38</sup> Rugby Canada Trans Inclusion Policy 2019, available at:

[https://rugby.ca/uploads/Documents/TransInclusionPolicyEN\\_DEV\\_POL\\_20190101\\_FINAL.pdf](https://rugby.ca/uploads/Documents/TransInclusionPolicyEN_DEV_POL_20190101_FINAL.pdf)

<sup>39</sup> "Instead of focusing only on eligibility criteria, which can sometimes have a tone of keeping people out of sport, inclusive policies and enlightened best practices have the potential to affirm and encourage individuals to participate in sport rather than feeling marginalized or unwelcome. These policies and practices should address issues that affect trans participants, but not be exclusive to them." For more information, see: Canadian Centre for Ethics in Sports. (2016). Creating Inclusive Environments for Trans Participants in Canadian Sport - Guidance for Sport Organizations. Available at:

<https://cces.ca/sites/default/files/content/docs/pdf/cces-transinclusionpolicyguidance-e.pdf/>

<sup>40</sup> Sport New Zealand Ihi Aotearoa. (2022). Guiding Principles for the Inclusion of Transgender People in Community Sport.

Available at: [https://sportnz.org.nz/media/z1rbu0gp/spnz015\\_gps-for-the-inclusion-of-tg-in-comm-sport-1\\_3\\_v3.pdf](https://sportnz.org.nz/media/z1rbu0gp/spnz015_gps-for-the-inclusion-of-tg-in-comm-sport-1_3_v3.pdf)

<sup>41</sup> "The regulation sets out that players with the gender status of 'diverse' or 'not specified,' or players who have had their gender reassigned, can decide for themselves in the future whether they should be granted the right to play for a women's or men's team. This also applies to transgender players, who can now switch teams at their own discretion, or remain in the team in which they currently play for."

<https://www.dfb.de/en/news/detail/new-regulation-on-the-playing-rights-of-transgender-intersex-and-non-binary-persons-241412/?>

<sup>42</sup> For more information, see: Women's Sports Foundation (2022). 50 Years of Title IX: We're Not Done Yet.

## **Additional cases in Iran**

In Iran, LGBTI women in sports face discrimination and violence rooted in both their perceived or actual sexual orientation, gender identity, and expression. According to interviews conducted by 6Rang, LGBTI women expressed the belief that queer individuals endure more discrimination and violence in sports than other women. The criminalization of same-sex relationships means that any indication of a relationship between women draws suspicion from the authorities and can lead to consequences.<sup>43</sup> Sana, a kickboxing athlete, notes the need for extreme caution, avoiding any display of affection or behaviour that could be interpreted as homosexual by the authorities.<sup>44</sup>

Sports authorities have also consistently expressed concern over what they call the '[do-jenseh](#)' crisis in women's leagues and national teams. 'Do-jenseh,' a term that translates to 'hermaphrodite' and carries extreme derogatory connotations in Persian, is used to describe individuals whose gender identity or expression deviates from the state-endorsed definitions of femininity and masculinity. As a result, such athletes [face](#) disciplinary measures and even expulsion. Fatemeh, a footballer, shared in an interview with 6Rang that a mandatory requirement for joining women's leagues or national teams is undergoing a sex verification test at a state-approved sports medicine centre.<sup>45</sup>

## **Transgender and Nonbinary Inclusion in Sport Resources (compiled by [Athlete Ally](#))**

- [2023 is a record year for anti-trans legislation across the country, and it's only April](#) – Rachel Crumpler, North Carolina Health News, 2023

*As the right to participate in sport and access to gender-affirming care are debated by North Carolina legislators, this article discusses the impacts on trans kids and their families. The state of youth sports in North Carolina is discussed within this context.*

- [Trans Girls Belong on Girls' Sports Teams](#) - Dr. Jack Turban, Scientific American, 2021

*Science does not support banning trans girls from girls' sports teams, bringing into question the ethics surrounding current and proposed policies.*

- [The Future of Women's Sports Includes Transgender Women and Girls](#) - Dr. Anna Baeth, Anne Lieberman, Dr. Libby Sharrow, Dr. Lindsay Pieper, & Dr. Jaime Schultz, Athlete Ally, 2021

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<sup>43</sup>The Iranian Islamic Penal Code criminalizes same-sex conducts, with punishments that vary from flogging to the death penalty. Restrictions on gender identity expression are stringent; individuals must be diagnosed with a 'gender identity disorder' and undergo medical interventions to express their gender identity legally. Deviations from gender norms, including non-adherence to the mandatory Islamic hijab rules, are penalized. Lesbian, trans, and non-binary individuals, by expressing their identity through appearance or behaviour deemed unconventional, risk facing imprisonment, fines, or corporal punishment.

<sup>44</sup> Information provided by 6Rang.

<sup>45</sup> This process includes hormone testing and physical examinations, despite the athletes' gender on their identification documents. Matin, a futsal player, further confirmed that participation in events organized by the Iran Football Federation is restricted to those who possess medical documentation confirming their sex. Information shared by 6Rang Iran.

*Signed by over 90 scholars in relevant fields, this document utilizes a close reading of peer-reviewed, credible sources to better understand trans athletes, to dispel misinformation about trans athletes that has spread in recent media and political debates, to outline critical legal and policy discussions about trans athletes, and to highlight why access to sport matters for everyone.*

- [States are still trying to ban trans youths from sports. Here's what you need to know.](#) - Elizabeth Sharrow, Jaime Schultz, Lindsay Parks Pieper, Anna Baeth and Anne Lieberman, Washington Post, 2021

*In 2021, lawmakers in 36 states have filed over 75 bills that would ban transgender youths from school-sponsored sports consistent with their gender identities. In nine states, these bills have become law. This piece explains what is at stake.*

- [Four Myths About Trans Athletes Debunked](#) - Chase Strangio & Gabriel Arkles, American Civil Liberties Union (ACLU), 2020

*Experts, including doctors, academics, and sports psychologists, provide evidence that 1) inclusion of trans athletes benefits everyone, 2) trans athletes do not have an unfair advantage in sports, 3) trans girls are girls, and 4) trans-student-athletes belong on the same teams as other student-athletes.*

- [The Truth About Trans Athletes and Performance](#) - Annie Hayes, Men's Health, 2019

*Trans athletes and doctors dissect myths and explain scientific facts about hormones, physiology, and athletic performance.*

**United Nations bodies and mechanisms have issued several recommendations that can guide governments, schools, sport bodies, federations and other stakeholders in addressing violence against and exclusion of LGBTI women and girls in sports.**

- Several UN Special Procedures mandate holders called on States to ensure that “any limitations to the right of any woman, including trans and intersex women, to take part in sports as a part of her right to take part in cultural life, should therefore be determined by law, comply with the strict criteria of necessity and proportionality, and should represent the least restrictive measure to reach a legitimate aim.”<sup>46</sup>
- The Special Rapporteur on the right to health recommends that States “protect the physical integrity and dignity of all athletes, including intersex and transgender women athletes, and immediately remove any laws, policies and programmes that restrict their participation or otherwise discriminate or require them to undergo intrusive, unnecessary medical examinations, testing and/or procedures in order to participate in sport.”

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<sup>46</sup> Policy position by United Nations Special Procedures mandate holders in relation to the protection of human rights in sport without discrimination based on sexual orientation, gender identity, and sex characteristics (31 October 2023), available at <https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/iesogi/2023-10-31-stm-sogi-policy-en.pdf>

- The Special Rapporteur on privacy recommended that States and non-state actors make sure that sports organizations integrate the Yogyakarta Principles and all relevant human rights norms and standards into their policies and practices, in particular by “ensuring that all individuals can participate in sport in line with the gender with which they identify, subject only to reasonable, proportionate and non-arbitrary requirements and without gender-based discrimination” and “removing, and refraining from introducing, policies that force, coerce or otherwise pressure women athletes into undergoing unnecessary and harmful medical examinations, testing and/or procedures in order to participate as women athletes.”
- The Human Rights Council has recently recognized and affirmed the human rights of intersex people, including their rights to non-discrimination and freedom from violence,<sup>47</sup> which extends to all areas, including sports.

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<sup>47</sup> UN Human Rights Council (2024). Combating discrimination, violence and harmful practices against intersex persons, A/HRC/55/L.9.