

International
Olympic
Committee

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

INTRODUCTION



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).

INTRODUCTION



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



2009

First public investigation on hyperandrogenism around Caster Semenya's case

2015

CAS ruling on Dutee Chand suspends any hyperandrogenism rule

2019

World Medical Association takes position on unethical medical intervention

2019

The World Health Organization (WHO) removes "gender identity disorder" from its global manual of illnesses

2020

Swiss Tribunal presents its decision on CAS and Caster Semenya's case

2003

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

2015

Consensus Statement removes surgery requirement, but still requires 10 nmol/l level of testosterone for transgender female athletes

2019

IOC revamps process to include, for the first time, consultation with affected athletes

2019

Human Right Council (HRC) condemns use of medical intervention on athletes on basis of human rights standards

2020

HRC presents its report on discrimination on sport and gender identity

2021

Tokyo 2020 Games with first openly transgender athletes

IOC finalizes consultations and releases Framework

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

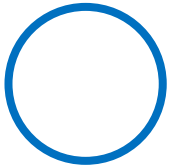
Athletes **seeking remedy**

IOC EXPECTED BY PUBLIC DEBATE TO CHOOSE BETWEEN TWO EXTREMES

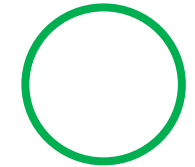


Context

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



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



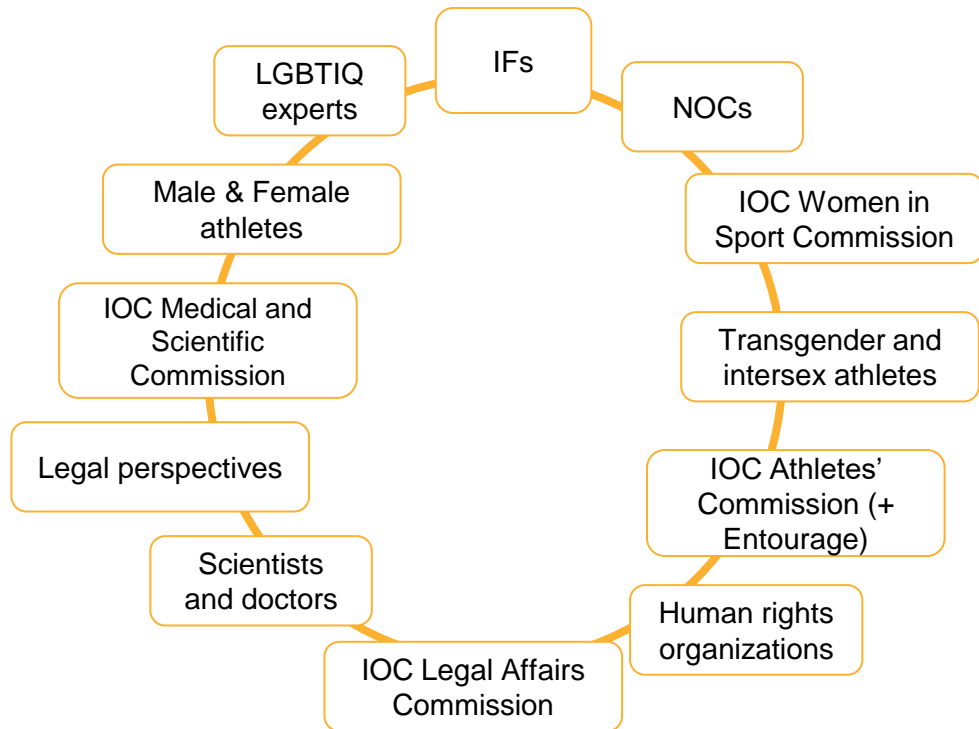
Dissolve gender categories
and allow everyone to compete wherever they want

“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:



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



WE LEARNED THAT

Policies that aim to verify the sex of an athlete put ALL athletes at risk of facing abuse and this affects ALL women

There is an unclear role of **testosterone alone** in **predicting performance** across all sports

Policies that **require** women to **modify their hormone levels** to compete can have serious adverse impacts on their health

SO, INSTEAD OF

Policing the bodies of athletes (sex testing, invasive physical examinations, etc.)

Setting a **one-size-fits-all** testosterone threshold for women to compete in the female category

Requiring healthy women to undergo **medically unnecessary treatments or procedures.**

WE SHOULD

Focus on performance so that ALL athletes in a gender category have a **FAIR** opportunity to compete and win

Offer IFs **flexibility** to set eligibility criteria that is based on what unfair advantage means in their sport

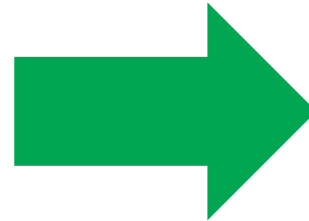
Find ways to include all women in a way that does not put some athletes at an **unfair disadvantage.**

5. NEW IOC FRAMEWORK - REDEFINING THE ROLE THAT THE IOC PLAYS



2015 Consensus Statement
(Current approach)

The IOC **recommends** a ***one-size-fits-all*** approach that all International Federations should apply to define eligibility.



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

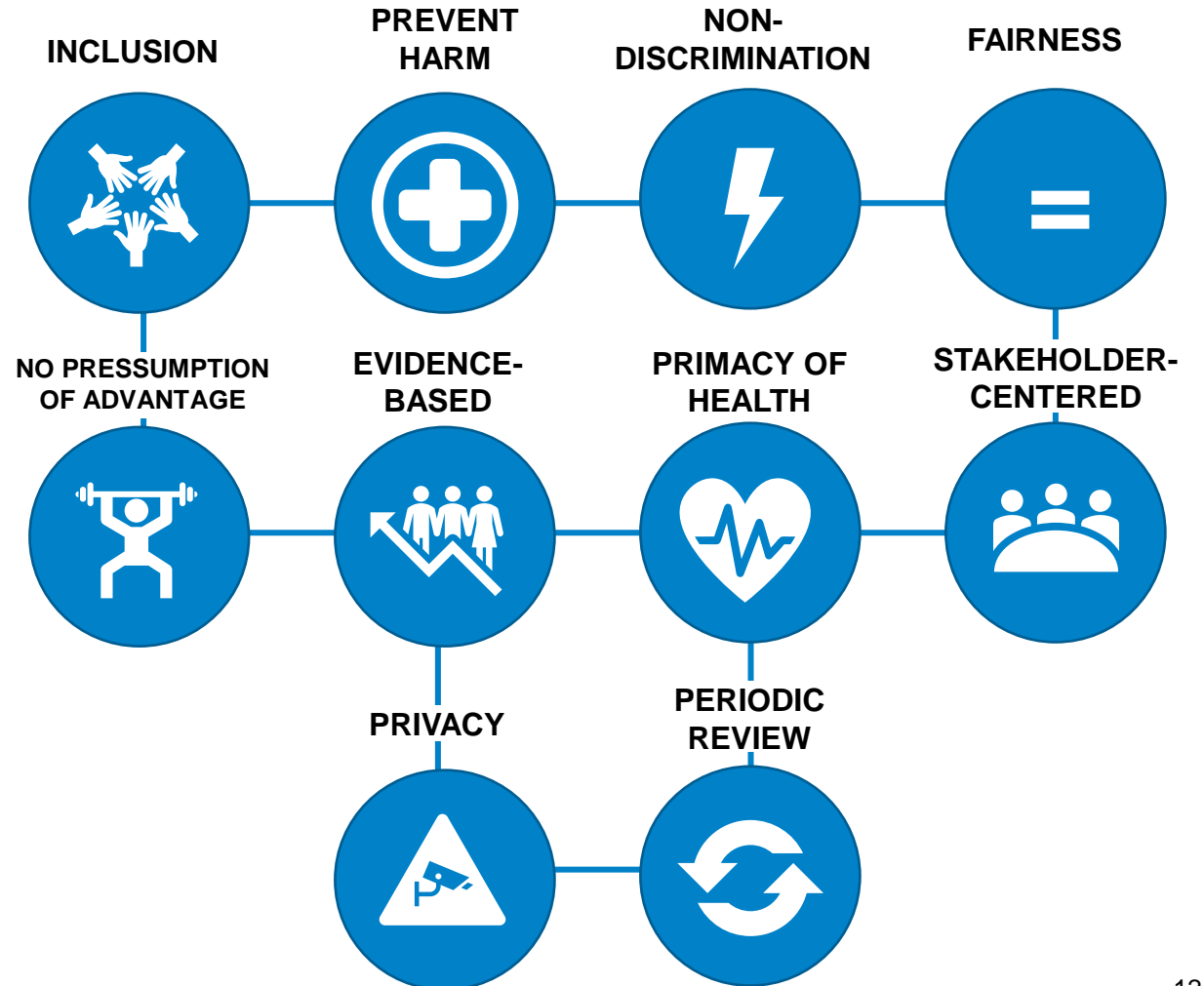
The IOC offers guidance to International Federations on how to design eligibility criteria that work for their own sport/context, while considering **fairness, inclusion and non-discrimination**.

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



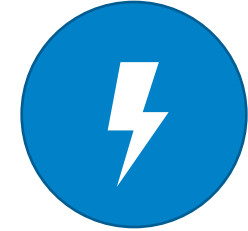
- ✓ Everyone should be able to **participate in sport** safely and without prejudice.
- ✓ Sports organisations should **promote inclusion and prevent discrimination**.
- ✓ Mechanisms to prevent **harassment and abuse** should consider trans and intersex athletes.

PREVENT HARM



- ✓ Criteria should consider **the health and well-being of athletes**.
- ✓ Sports organisations should prevent **negative impacts** on health.

NON-DISCRIMINATION

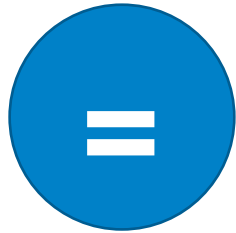


- ✓ Criteria should not **systematically** exclude athletes solely based on their gender identity/sex variations.
- ✓ Criteria should focus on **preventing unfair advantage**, not on targeting and testing athletes' sex.

THE PRINCIPLES



FAIRNESS



✓ Eligibility criteria should aim to:

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

NO PRESUMPTION OF ADVANTAGE



- ✓ Athletes should not make assumptions based on **how athletes look**
- ✓ Criteria should be **based on evidence**

EVIDENCE-BASED



- ✓ 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

THE PRINCIPLES



PRIMACY OF HEALTH



- ✓ Athletes should not be pressured to undergo **medically unnecessary procedures or treatment**.
- ✓ Criteria should not include **invasive examinations** to their bodies.

STAKEHOLDER-CENTERED



- ✓ 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**.

THE PRINCIPLES

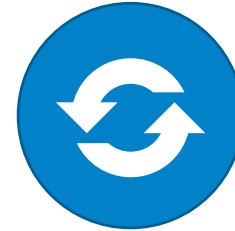


PRIVACY



- ✓ Sports organisations should **preserve the privacy** of athletes.
- ✓ **Compliance** with privacy laws when handling information.
- ✓ Requiring **informed consent** from athletes to collecting personal data.

PERIODIC REVIEW



- ✓ 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