

Forum: General Assembly: Third Committee

Issue #G3-02: Promoting a non-discriminatory, safe and inclusive participation of transgender people in sports

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Introduction

Throughout the years, the participation of transgender people in sports has been a wildly controversial issue. This issue arises from many ideologies and social constructs that surround the concept of transgender and transsexuality. The inevitable social stigma that builds around this idea does not allow for transgender people to be fully accepted in sports. These are divided into the categories of “men” and “women” according to biological sex, which each entails different physical capacities.

This issue is highly controversial, since it holds various points of view and different countries and sports organizations have approached it with their own set of terms, which differ from one another, like the Olympic games for example, which hold an international sports competition and which have their own guidelines regarding transgender participation in sports, this does not mean the topic is not still a problematic one.

Therefore the objective of the committee session is to find the necessary means to achieve for transgender people not to be discriminated, especially in the area of sports, and for them to be able to perform this safely amongst a diverse and acceptant environment.

Definition of Key Terms

Transgender

The term is “used to describe or relate to a person whose gender identity is incongruent with (or does not “match”) the biological sex they were assigned at birth. “Transgender” serves as an umbrella term to refer to the full range and diversity of identities within transgender communities because it is currently the most widely used and recognized term.” (the teaching transgender toolkit, 2015)

Transsexuality

“This is an older term that has been used to refer to a transgender person who has had hormonal or surgical interventions to change their bodies to be more aligned with their gender identity than the sex that they were assigned at birth. While still used as an identity label by some, “transgender” has generally become the preferred term.” (the teaching transgender toolkit, 2015)

Social Stigma

Social stigma is often used as the discrimination of a person based on social characteristics and ideals that separate them from society. For example, how a society's typical ideas of men and women do not include the aspects of someone being transgender, thus they are more prone for social disapproval.

Discrimination

It is defined by Oxford language as “the unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, sex, or disability.” (Oxford learners dictionaries, 2022). Unfortunately, discrimination is presented in many ways nowadays; whether it is to one person specifically or a group of people, in regards to transgender people and the LGBTQ communit, these have been discriminated throughout history.

The Olympic Games

They can be defined as “a series of international athletic contests held as separate winter and summer events in a different country every four years” (Learners Els dictionary Merriam, 2022). The Olympic games have an extensive historical background as they were initiated in 1896. It is usually presented as the biggest international sporting event as it includes the world's best sports players. It is of high relevance in relation to the topic since it is a space that represents the sports environment worldwide, and it has an effect on transgender participation in sports.

Issue Overview

Historical Background

People who resist gender boundaries have always existed throughout history, even if it was not always brought to the light or discussed. The first mentions of transgender in history started with “Transvestite” which originated in 1910 from the German sexologist Magnus Hirschfeld, who then developed the Berlin Institute, where the first-ever recorded “sex change” operations took place.

Magnus Hirschfeld and the beginning of transgender health care

Magnus Hirschfeld was a famous medic, sexologist, german jew who was one of the first defenders of homosexual and transgender rights. Along with the term “Transvestite”, in 1918 he defined transvestism as a desire to express one gender in opposition to their biological sex. Hirschfeld was one of the first doctors to offer his patients ways to achieve sex change, whether it was through hormone therapy, sex change operation, or both. (visit Appendix I to access images of Doctor Magnus Hirschfeld).

First terms created for transsexuality

The term “Transsexual” did not appear until 1949, “transgender” not until 1971, and “trans” not until 1996. These new definitions started appearing through the years and a

great impact was caused in the sports worlds, since sports competitions, are classified in the categories of men and women according to biological sex, until transgender people arouse the argument of; Should these participate in the categories of their biological sex or in the categories of the gender they identify with? Taking into account the hormonal therapy process and the different physical abilities each sex entails.

Biological sex assigned at birth is one of the common metrics used to create fairness in sports competition. The individuals that identify as transgender have sought to develop standards that follow for the inclusion of transgender athletes. Nevertheless, their inclusion has not yet been well established. Several cases throughout history demonstrate how transgender people have affected athletic sports.

Dora Ratjen (1918-2008)

In 1938 one of the first disputes about an athlete's gender took place. Dora Ratjen was a German high-jumper. She competed at the 1936 Berlin Olympic Games, placing fourth and later on in 1938 in the European Championships winning a gold medal with a world record jump of 1.67. She was arrested days later at a German train station for “crossdressing”¹. Ratjen was eventually outed as a man, prompting Germany to quietly return the medal. Then they changed names to Heinrich (“Heinz”) Ratjen. There are different rumors regarding Ratjens situation; the first stating that Nazi officers forced him to pose as a woman to help win more gold medals for Germany in the Berlin Olympic Games, however, recent evidence suggests that her parents raised her as a female and that her gender was mixed from birth, although tests confirmed that she had atypical hermaphroditic² sexual characteristics (modernly the term Hermaphroditic is considered stigmatizing so physicians and advocates instead use the term “Intersex”). Details were unknown until recently, so Dora Ratjen was considered a gender cheat for many decades. When Ratjens' case became public years later, it nurtured the growing anxiety about gender frauds in athletics. (visit Appendix II to access photographs of Ratjen)

The femininity certificates and sex testing athletes

Given said anxiety regarding gender frauds, In the mid-1940s Internacional sports administrations began requiring female competitors to bring medical “femininity certificates” to verify their sex. Nowadays, it is called a gender recognition certificate, and it allows people to change their legal gender from male to female or from female to male. Back in 1940, it was a requirement for sports competition. In the 1950s, Olympic officials and public figures were so deeply concerned about women's participation that a member of the International Olympic Committee spoke for many when he desired to be spared the anesthetic spectacle of women trying to look and act like men. In 1952 the soviet union joined the Olympics, causing a surprise full impact on the world for the success of their female athletes. The Olympics changed due to the Cold war, and in 1960 people

¹ Crossdressing: “**The wearing of clothes assigned for the opposite sex**” (Lerners Els dictionary merriam-webster dictionary API, 2021)

² Hermaphrodite: “**a person or animal having both male and female sex organs or other sexual characteristics, either abnormally or (in the case of some organisms) as the natural condition.**” (Oxford Languages, 2022)

started speculating that Eastern-bloc female athletes were men who bound their genitals to have more wins.

In 1966 international sports officials determined that individual nations were not trustworthy to certify femininity and then implemented a mandatory genital check of female individuals competing in international games. These genital checks have historically been proven to be unethical, and it caused several soviet women to drop out given the humiliating practices of genital checking they had to undertake to compete.

Entering the 60s with broad complaints about the genital checks, the International Association of Athletics Federations (I.A.A.F) and the International Olympics Committee (I.O.C) presented a new form of “gender verification”, known as the chromosome test. It was considered a more dignified and objective way to verify gender and to also identify intersex³ players who “needed to be disqualified to accomplish fair play”.

Eventually, In 1999 the I.O.C officially stopped mandatory gender testing.

Latest Events

Several investigations, articles, and different recent relevant sources have shown that until now there has been no “single solution” to attribute a safe, inclusive, and non-discriminatory participation of transgender athletes in sports. However, recently the sports councils of England, Scotland, Wales, and Northern Island urged organizations to “think innovative and creative ways to ensure nobody's left out”, and there are existing guidelines.

Nowadays, almost every international competition contains guidelines or requirements regarding transgender people. However, these are constantly questioned and specially focalized in the Olympics, which is constantly critiqued on how they treat the matter.

I.O.C Framework on fairness, inclusion, and non-discrimination on the basis of gender identity and sex variations

After a two-year consultation process with more than 250 athletes and concerned stakeholders, the I.O.C released the new framework on November 16 of 2021.

It seeks to promote a safe and welcoming environment for everyone involved in the elite-level competition, containing principles in the Olympic charter. The framework bears in mind to take action in fostering gender equality and inclusion. It openly states : “*Every person has the right to practice sports without discrimination and in a way that respects their health, safety, and dignity. At the same time, the credibility of competitive sport- and particularly high-level organized sporting competitions- relies on a level playing field, where no athlete has an unfair and disproportionated advantage over the rest*” (The International Olympic Committee framework on fairness, inclusion, and non-discrimination on the basis of gender identity and sex variations). The framework targets the issue of transgender athletes to what was considered by many as appropriate and adequate.

³ Intersex: “Intersex is a general term used for a variety of conditions in which a person is born with a reproductive or sexual anatomy that does not seem to fit the typical definitions of female or male. For example, a person might be born appearing to be female on the outside, but having mostly male-typical anatomy on the inside. Or a person may be born with genitals that seem to be in-between the usual male and female types” (Intersex society of north america, 2008)

Major Parties Involved

International Association of Athletics Federation (I.A.A.F) and the International Olympic Committee (I.O.C)

These two organizations have taken part in the course of history to the main issue, being that they have stated guidelines, frameworks, and ways of dealing with the matter that has resulted to be catastrophic such as; humiliating and discriminating gender checking back in 1966, or others that have strived towards promoting a safe environment; such as the framework released in November of 2021, which is yet to be tested.

United Kingdom (UK)

The United Kingdom is prone to be mentioned for its involvement since it is one of the most influential countries (P5) to have Guidance for transgender inclusion in domestic sports published in September 2021.

Germany

The legal and human rights situation of the LGBTQ community has improved in Europe over the last decades. Germany is ranked number 16 on the rainbow index of the International Lesbian and Gay Association (ILGA). However, there is also growing evidence that LGBTQ people suffer discrimination and exclusion in sports. Despite the German Olympic Sports Confederation and the member organizations in it committing to the “strategy of sport for all” and having included equality of opportunities and anti-discrimination in their statutes, a minority of the organizations mention the LGBTQ community in their antidiscrimination properties.

United States (USA)

The United States has a particular take on the topic as it is a federalized country and the different states have different requirements for transgender athletes. For example, Texas, Alabama, North Carolina, Kentucky, Idaho, and Florida require trans athletes to compete based on their biological sex, whilst in Alaska, Connecticut, Georgia, Kansas, Pennsylvania, and Wisconsin make their own decisions on how to include transgender athletes.

Timeline of Events

Date	Description of Event
February, 6th, 1968	Sex testing is first required for all women athletes in the Winter Olympic Games of Grenoble by the I.O.C.
June, 23rd, 1972	Title IX of the Education amendments is passed as federal law that states: <i>“No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance”</i> . It had a great impact on the world of athletics since it meant that men and women should be provided equitable opportunities to participate in sports.
August 27, 1976	The United States Tennis association bars Transgender athlete Renne Richards for competing as a woman in the 1976 US Open, stating she must pass a chromosomal test. When Richards fails the test she sues the USTA and wins the lawsuit a year later (1977).
August 28, 1985	The first “Gay Games” are held in San Francisco, California, United States. The I.O.C sues to prevent games from being called the “Gay Games”.
1999	Observance of the first international day or Remembrance, an annual event honoring victims of anti-transgender violence.
2003	The I.O.C releases guidelines that require transgender athletes who have transitioned from male to female (or vice versa) to have reassignment surgery followed by at least two years of therapy in order to be eligible to compete.
2008	The Washington Interscholastic Activities Association enacts the first state-wide policy enabling the participation of transgender athletes in high school sports according to their identified gender.
2011	NCAA adopts a transgender athlete inclusion policy.
2016	The I.O.C advised that transgender athletes can compete without undergoing reassignment surgery.
2021	I.O.C releases Framework on fairness, inclusion, and non-discrimination based on gender identity and sex variations.

Relevant UN treaties and Events

In regards to the United Nations events, these are vast. The participation of transgender athletes in the Olympic games, for instance, is determined by the I.O.C that is why there have not been direct treaties about transgender athletes. However, the UN does address the fight for transgender rights. This committee looks to start finding ways to promote the inclusion of these transgender athletes by effective UN measures.

UN Free and Equal initiative

Free and Equal is a project created by the United Nations with collaboration to purpose foundation with the objective of supporting the LGBTQ community. It addresses important issues the LGBTQ community faces such as transphobic murder, violence and torture, Criminalization, discrimination, recognition of gender equality, transgender healthcare. It also includes specific measures for example: *“Legally recognize the gender identity of trans people in official documents through a simple administrative process based on self-identification without abusive requirements such as forced medical diagnosis, sterilization, treatment or divorce” (UNFE ‘action points, N4).*

Past Action

As the report shows, There have been previous attempts to solve the issue at hand. These vary from guidelines that different countries and/or sports organizations have. Even though the matter at hand has been a complex conflict to solve, there are existing ways of treating it, though these are not always sufficient and effective.

The main actions have frequently changed through history, first with sex testing all the way to guidelines and frameworks that look for the sports environment to be a non-discriminatory one.

The most influential recent actions are clearly the ones made by the I.O.C since the Olympics are the most prestigious international sports competition.

Possible Solutions

Creating a separate category for Transgender participants in sports competitions

The idea of creating a separate category for transgender participants in sports competitions has been controversial, since many believe the creation of different categories to be discriminatory, by not including transgender people in the regular divisions of men and women. Whilst others imply that creating this differential category would be the solution to the issue. Transgender athletes could participate without the preoccupation of being accused of not being in their correct category and also people that identify themselves as non-binary may be included as well.

The Implementation of legislations for international sports competitions

Creating legislations regarding the participation of transgender athletes in sport is a efficient way of assuring that less discrimination occurs and that an inclusive environments may be present since people must adhere to legislations by law.

Raising awareness

The situation of trans athletes nowadays is talked about constantly. However, not many realize what it really feels like for people in the trans community to be excluded from competitive sports they are passionate about just because of their gender identity. It is imperative to raise awareness about the issue because many do not know much and need to be properly informed and educated. By bringing such relevant information to light with the means of campaigns, and educational programs for minors, the issue is more directly dealt with.

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Appendix or Appendices

I. Magnus Hirschfeld Jewish Doctor and Sexologist in 1928

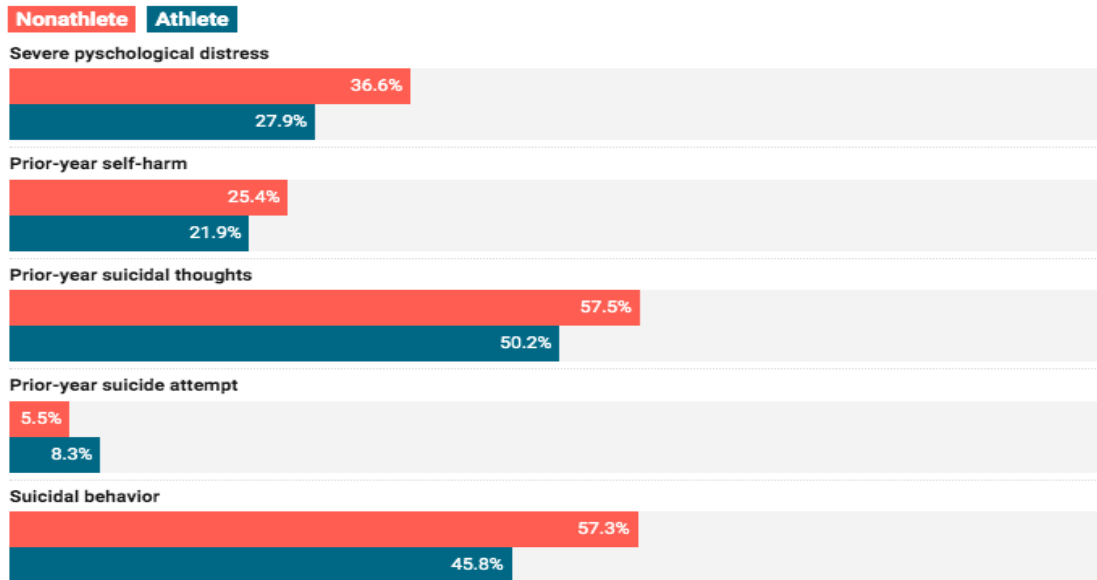


II. Dora Ratjen intersex athlete in 1936



III. Statistics of mental health and well-being of transgender college students among athletes and nonathletes, 2019-20 year

Mental health and well-being of transgender college students among athletes and nonathletes, 2019-20 academic year



Note: Data include varsity, club, and intramural sports.

Chart: Center for American Progress

Source: Authors' calculations based on American College Health Association, "National College Health Assessment (ACHA-NCHA) III, Fall 2019-Spring 2020," available at https://www.acha.org/ACHA/Resources/Survey_Data.aspx (last accessed December 2020).