

Strasbourg, 20 April 2023

EPAS(2023)01

ENLARGED PARTIAL AGREEMENT ON SPORT (EPAS)

**Webinar on protecting and promoting the human rights of transgender and
intersex athletes in sport**

24 April 2023

Webinar – 9.30am-12.30pm

**Followed by technical meetings to discuss the preparation
of an educational toolkit**

2.15pm-4.30pm (by invitation only)

Paris office Council of Europe
55, avenue Kléber – 1st Floor

Factsheet and draft programme

Background

Over recent years there have been many high-profile cases involving the exclusion of transgender and intersex athletes from sport competitions. Most recently, FINA (International Swimming Federation) established a policy which excludes transgender women from participating in female top competitions and the International Rugby League excluded transgender women from playing in sanctioned women's international rugby matches. Historically, intersex athletes from Dora Ratjen in the 1930s to Caster Semenya today, have suffered trauma and mistreatment when being excluded from participating in female category sports.

Most high-level and amateur sporting competitions are organised in sex-specific categories, which were established when female competitors began entering the field, once almost exclusively reserved for males. This approach has led to the establishment of clear-cut physiological criteria to split competitors into male or female categories, which de facto **excludes intersex people** (who are born with sex characteristics that do not fit typical binary notions of female or male bodies) and **denies the gender dimension and excludes transgender people**, whose gender identity does not align with what has culturally been associated with their sex assigned at birth.

Against this backdrop, EPAS held a Diversity Conference on: “Protecting and promoting the human rights of transgender and intersex athletes in sporting competitions” in September 2021.

- As set forth in the European Sports Charter – which underpins the work of the Enlarged Partial Agreement on Sport (EPAS) - under Article 6, paragraph 2: “The human rights due diligence approach in sport requires respect for the human rights of those involved in or exposed to sport-related activities and should therefore: a. ensure that the human rights of athletes and everyone involved in sport are respected, protected and

promoted.” Thus, the protection of transgender and intersex athletes is a vital element when ensuring the human rights protection of all athletes. This also aligns with Resolution No. 1 from the 17th Council of Europe Conference of Ministers responsible for Sport of 26 October 2022, which invites EPAS to engage with its member States, the sports movement and other relevant stakeholders to “use sport as a tool for social integration of disadvantaged groups” and to “develop a toolbox based on best practices for inclusion of disadvantaged groups in all aspects of sport and devise a communication plan to promote it widely”. This further aligns with the International Declaration on Human Rights and Sport (Tbilisi Declaration, 16 October 2018) which was signed overwhelmingly by governmental and non-governmental stakeholders, calling for the recognition that human rights and fundamental freedoms as set out in the relevant international treaties, should be protected in all sectors of activities. This includes among others the right to life, physical integrity and protection from violence to privacy and property, to social protection, to a fair trial and to an effective remedy, the freedom of expression, of assembly and association as well as the prohibition of discrimination.

EPAS has undertaken a number of activities to promote and protect the rights of LGBTI people, including the organisation of a conference on “Tackling Homophobia in Sport” in Utrecht in 2012, as well as the preparation of a good practice handbook containing practical and concrete examples of projects that show commitment by Council of Europe member states in their fight against homophobia in sport. In 2019, “How to tackle discrimination against LGBTI people in sports competitions?” was one of the subjects debated in Strasbourg during the Human Rights in Sport seminar organised by EPAS.

Follow-on actions

Further to the 2021 Diversity Conference a number of conclusions and recommendations were set forth.

IOC

The conclusions and recommendations from the 2021 Diversity Conference encouraged the IOC to “[t]ake a further human-rights focus in any future guidance with regard to transgender and intersex athletes, ensuring clear principles of protecting rights, minimising harm, and

ensuring coherence with international human rights standards” and “[w]ith high-level guidance, clarify examples of actions that international federations and sports bodies could take in the short, medium and long term to support the participation of transgender and intersex athletes in sporting competitions”.

In November 2021, after a two-year consultation process with over 250 athletes and concerned stakeholders, the IOC released its “Framework on Fairness, Inclusion and Non-Discrimination on the basis of Gender Identity and Sex Variations.” This framework has enabled national federations to draw on guidelines to ensure the inclusion of transgender and intersex athletes in sporting competitions.

The Framework constitutes the IOC’s guidance on this topic to sports bodies. It aims to support them to provide pathways to inclusion in elite sport for all athletes, without discriminating on the basis of gender identity or sex variations, while defining disproportionate advantage in ways that preserve meaningful and fair competition.

Council of Europe

Diversity report

Another recommendation set out at the end of the Diversity Conference was for the EPAS-commissioned diversity report on “Human rights of transgender and intersex athletes in sport” to be disseminated widely. Given the vast number of developments in the area since the initial report was commissioned in 2021, the report has been revised and this amended version will be made available prior to the 24 April 2023 follow-on event.

Educational material

Another 2021 Diversity Conference recommendation was to develop educational material in collaboration with relevant partner organisations, including the European Gay and Lesbian Sports Federation (EGLSF), the Council of Europe’s Sexual Orientation and Gender Identity Unit (SOGI) and other relevant bodies such as the [factsheet](#) prepared by the European Commission against Racism and Intolerance (ECRI), thereby ensuring that the Council of Europe could “encourage, promote and support the development of guidance or good practice in centring the voices and experiences of transgender and intersex athletes within the development of sports policy” and make recommendations “as to how states, sports

federations and agencies might promote the inclusion of transgender and intersex people in sporting activities, paying particular attention to those further marginalised as a result of their race, ethnicity or other minority characteristics”.

Other relevant Council of Europe standards/tools to be included in the education toolkit amongst others include:

CM/Rec(2010)5 <https://www.coe.int/en/web/sogi/rec-2010-5> and
PACE Resolution 2465 (2022): [The fight for a level playing field – Ending discrimination against women in the world of sport](#)

Webinar on protecting and promoting the human rights of transgender and intersex athletes in sport

A webinar will be held on 24 April 2023, followed by a working group meeting, in light of the above-mentioned recommendations and conclusions, set forth at the 2021 Diversity Conference, as well as [Resolution No. 1](#) on “Sport for all: uniting us for stronger societies”, from the [17th Council of Europe Conference of Ministers responsible for Sport](#), which invites EPAS to:

“d) use sport as a tool for social integration of disadvantaged groups, such as migrants, refugees, persons with disabilities and senior citizens; develop a toolbox based on best practices for inclusion of disadvantaged groups in all aspects of sport and devise a communication plan to promote it widely.”

There will be a *morning webinar*; this will be open to the public to present developments which have taken place since the 2021 Diversity Conference, including within Council of Europe bodies such as EPAS, the Sport Division and the SOGI Unit. Other speakers at the webinar will include EPAS Consultative Committee bodies directly working in this area such as EGLSF, EUSA, amongst others, as well as the IOC, the Global Observatory on Gender Equality in Sport, sports federations directly concerned by the subject, academics, athletes, and other experts, allowing us to take stock of both the progress that has been made in the the intervening period and the obstacles that have been encountered. The second panel will focus on ensuring greater educational awareness on the human rights of transgender and intersex athletes in sport and looking into how this has been achieved elsewhere, e.g. in Germany by Seitenwechsel, and how this might be adopted on a wider scale.

In the afternoon there will be *restricted afternoon working-group meetings*, this will provide an opportunity to discuss the preparation of an educational toolkit aimed at raising awareness about the human rights of intersex and transgender athletes, with a focus on providing clarity and explanations for those teaching sports management, sports federations, public authorities and other interested parties. The existing 2021 Diversity Conference website already provides a useful resource hub and the intention is that the toolkit will provide a solid information pack for those who want to learn more about how they can protect and promote the human rights of transgender and intersex athletes in sport. Participants will include representatives from a wide range of concerned bodies, including the Organisation Intersex International (OII), Transgender Europe, (TGEU), and Unesco.

24 April 2023 - Morning webinar

The webinar will be hybrid, allowing those who so wish to join remotely. It will also be live streamed as it will be open to a wider audience. Interpretation in French and English will be provided for the morning session only.

9.00am-9.30am	Guest registration
9.30am – 9.40am	Welcome words - <i>Irena Guidikova, Head of the Children's Rights and Sport Values Department, Council of Europe</i>
9.40am - 9.50am	Context and scene setting – <i>Cassandra Mactavish, Senior Project Officer, EPAS, Council of Europe, and Hugh Torrance, Co-President, EGLSF</i>
10.00am – 10.40am	<p>Panel 1: Combating discrimination against transgender and intersex athletes – some key initiatives moderated by <i>Dr Sone Erikainen, Lecturer, University of Aberdeen</i></p> <p>Presentation of the work of the IOC – <i>Madeleine Pape, Inclusion Specialist, IOC</i></p> <p>Presentation from the Global Observatory on Gender Equality and Sport (GO) – <i>Lombe Mwambwa, Research Director, GO</i></p> <p>Rights of intersex athletes in sport, <i>Payoshni Mitra, Athletes Rights Advocate</i></p> <p>Combating hate speech in sport – <i>Gabriela Matei, Senior Project Officer, Sport Division, Council of Europe</i></p> <p>Protecting transgender rights in football and an update on media stereotyping - <i>Natalie Washington, Football Vs Transphobia Campaign Lead</i></p>
10.40am-11.00am	Questions and answers
11.00am-11.20am	BREAK
11.20am-12:20pm	<p>Panel 2: Ensuring that the human rights of transgender and intersex sports people are incorporated into educational tools: presentations followed by a roundtable discussion moderated by <i>Andrej Pisl, EUSA</i></p> <p><i>Hugh Torrance, Co-President, EGLSF</i></p> <p><i>Gabriella Calleja, Senior Policy Advisor, SOGI Unit, Council of Europe</i></p> <p><i>Conny-Hendrik Schällicke, Co-founder and member of the board, Seitenwechsel Sports Club</i></p> <p><i>Thays Prado, Gender Advisor, Centre for Sport and Human Rights</i></p> <p><i>Carolina Sousa E Sà, Senior Project Officer, LEAP Sports Scotland</i></p>
12:20pm-12:25pm	Questions and answers

12.25pm-12.30pm Conclusions

Francine Hetherington Raveney,
EPAS Deputy Executive Secretary, Council of Europe

12.30-2pm Lunch outside the Paris office (open choice)

1-2pm CC Bureau meeting for those concerned

2:15-4:15pm Working group discussions - Preparation of the toolkit

Francine Hetherington Raveney and Emma Smith, will open the discussions and explain the context of the toolkit. All experts listed above and CC members, and Secretariat from throughout the Council of Europe to be invited to take part in the discussions.

4.15pm-4.30pm Sum up of next steps

Francine Hetherington Raveney, EPAS Deputy Executive Secretary and *Cassandra Mactavish,* Senior Project Officer and Consultative Committee Coordinator

CLOSE OF EVENT