

Lessons from the history of sex category regulations in sports

Dr Sonja Erikainen

Centre for Biomedicine, Self and Society,
Usher Institute,
University of Edinburgh

Sex category regulations in sports

- Have been called many things, e.g. “gender verification,” “sex testing,” “femininity control,” “sex control,” “femininity certification,” etc.
- Historically, justified on the grounds that, since competitions between females and males would not be fair, it is necessary to ensure that those who compete in women’s sports are “truly” or “fully” female
- But... “male” and “female” are not mutually exclusive categories. How does one decide that someone is “truly” female?

The physical inspection period

- 1937 IAAF physical inspections in response to protest rule
- 1948 IAAF femininity certificates signed by GPs requirement (also applied in the Olympics)
- 1966 IAAF on-site “naked parades”

- Focused on verifying that athletes were physically “feminine,” by inspecting the (naked) body to ensure it did not carry any “apparent characteristics of the opposite sex”
- Athletes compelled to undergo humiliating physical inspections, which could include examining e.g. body shape, breast size, and external genitalia
- Format and method of inspection varied significantly
- Athletes excluded based on inconsistently applied subjective evaluations of “feminine” body appearance

It was “the most crude and degrading experience I have ever known in my life. I was ordered to lie on the couch and pull my knees up. The doctors then proceeded to undertake an examination which, in modern parlance, amounted to a grope.”

– an athlete’s retrospective (1978) recollection of physical inspections at the Jamaica Commonwealth Games

The chromosome period


- **1968** IAAF and IOC **chromosome screening** for second X chromosome, supplemented by **further examinations**
- **1972** IOC added screening for Y chromosome
- **1992** IOC **PCR for SRY test** (new Y chromosome test)

- Focused on screening for “sex chromosome abnormalities” (women with Y chromosome)
- In cases of “abnormal findings,” eligibility decisions were supposed to be based on further medical examinations, because it was recognised that some women with Y chromosome (AIS) should be eligible to compete. Yet, athletes often excluded based on chromosome screening results alone
- Athletes compelled to provide biological samples, and in further examinations cases, undergo invasive medical examinations and interventions

Further examinations after “abnormal” findings from chromosome screening, performed on an athlete at the Universiade Games in Kobe:

- physical examination of body frame including body hair examination, nipple and areola measurement
 - genital examination including internal examination of vagina
 - rectal examination of internal genitalia
 - a vaginal smear
 - hormone analysis
 - ultrasonography
- Sakamoto et al (1988)

The gender suspicion period

- 
- **1991** IAAF health and gender examinations, case-by-case assessment of athletes who underwent sex reassignment rule
 - **1996** IAAF “questionable cases” gender suspicion rule, plus doping control observation of genitals
 - **1999** IOC adopts suspicion based gender verification
 - **2003** IOC Stockholm consensus on sex reassignment
 - **2006** IAAF (formalised) suspicion based gender verification policy

- Focus initially on excluding individuals with “a penis and testes,” but this was gradually combined with focus on “gender suspicious” athletes
- Athletes whose gender was perceived to be “suspicious” or “questionable” compelled to undergo invasive medical examinations and interventions; trans athletes compelled to undergo genital surgery among other interventions
- Athletes targeted based on subjective perceptions of “masculine” physical appearance, including body type and external genitals

Rationales articulated by scientists who successfully argued for the move to suspicion based testing included:

“male is an individual with a penis and testes in a well-formed scrotum. Others will be regarded as females.”

– de la Chapelle (1988)

But also... “if a lady was able to hurl a javelin for some ridiculous distance, and had very hairy legs, a question could be raised.”

– Bobrow (1987)

The hormone period

— **2011, 2012** IAAF and IOC regulations on **female hyperandrogenism**

— **2015** New IOC consensus on **gender reassignment**

— **2018** WA (formerly IAAF) eligibility regulations concerning **athletes with DSD**

- Focus on regulating female athletes with higher than average testosterone levels, based on the (contested) idea that testosterone is the “essence” of male performance advantage in sports
- Athletes suspected to have high testosterone targeted based on perceived “virilised” physical appearance, including body type, clitoris size, and hair pattern
- Athletes compelled to undergo invasive medical examinations and interventions
- Athletes excluded based on testosterone levels, even though the relationship between testosterone and performance is highly complex and controversial

Medical interventions performed on four athletes from “developing countries,” identified due to hyperandrogenism regulations:

- a partial clitoridectomy
- bilateral gonadectomy
- feminizing vaginoplasty
- oestrogen replacement therapy

Rationale: “allow them to continue elite sport in the female category”

– Fenichel et al (2013)

Lessons from the history of sex category regulations

Sex category regulations have changed over time, but they have always...

- been specifically designed to exclude intersex and transgender athletes, *especially women*
- attempted to use various physical / biological criteria to justify the division of sex into mutually exclusive, binary categories...
- ... even though a mutually exclusive sex binary is not supported by the biological reality of human bodies – it is a socially enforced binary
- coercively imposed humiliating, invasive and medically unnecessary examinations and interventions onto athletes merely for sports edibility

Lessons from the history of sex category regulations

Sex category regulations have persistently violated *at least* the human rights to...

- physical integrity
- prohibition of cruel, inhuman or degrading treatment
- prohibition of discrimination
- ...and medical ethics, including free and informed consent and bodily autonomy

To build a better future, it is imperative that *at least*...

- sports governing bodies are made to adhere to international human rights norms and standards, and revise their regulations accordingly
- athletes are fully protected against human rights and medical ethics violations in sports, especially coercive medical examinations and interventions