

GENDER TESTING – GENDER VERIFICATION AT ELITE SPORTS COMPETITIONS

BACKGROUND

Chapter 3 of the International Olympic Committee (IOC) Medical Code mandates that all female competitors shall be subject to gender verification. Historically, the IOC has mandated gender verification for female athletes since the mid-1960s. In 1990, the International Amateur Athletics Federation (IAAF), the international governance organization for track and field, called for the abandonment of gender verification and convened a Working Group of international experts, including ethicists, sports governors, physicians, and women athletes in support of this position. The Working Group concluded that:

- women with birth defects of the sex chromosomes did not possess an unfair advantage and should be permitted to compete as females;
- the only purpose of gender verification was to prevent men from masquerading as females;
- people who have been both legally and psychosocially female since childhood (including pre-pubertal sex re-assignments) should be eligible for women's competition regardless of their chromosomal pattern;
- post-pubertal sex re-assignments should be handled on a case by case basis; and
- women athletes should undergo pre-participation health examinations.

In 1992, a second IAAF Working Group recommended that pre-participation health examinations for the purpose of gender verification should no longer be required, and that questionable medical situations could be investigated at the behest of the medical delegates at competitions. Nonetheless, the IOC has continued to mandate chromosome based gender verification at IOC sanctioned events, ignoring the compelling evidence that such an approach is discriminatory and can cause and has caused severe emotional trauma to individuals with sex chromosomal disorders regardless of the method of chromosomal analysis employed.

ACCORDINGLY, IT IS THE POSITION OF THE WOMEN'S SPORTS FOUNDATION THAT:

1. CHROMOSOMAL SCREENING FOR GENDER VERIFICATION SHOULD BE ABANDONED.

Male masqueraders can be easily detected during the requisite observed urine collections in accordance with doping control protocols.

2. ATHLETES AND SPORTS GOVERNING BODIES SHOULD BE EDUCATED AS TO THE NATURE, BOTH PHYSICAL AND PSYCHOLOGICAL, OF SEXUAL DIFFERENTIATION DISORDERS.

Advocating the abandonment of chromosomal screening for gender verification necessitates an understanding of the limitations of chromosomal analysis and the psychosocial havoc that befalls individuals discovered to have such a disorder when tested at a competition (as many as 1 in 500 women athletes).

3. PRE-PUBESCENT INDIVIDUALS WITH SEX CHROMOSOME ABNORMALITIES WHO WERE ASSIGNED TO THE FEMALE GENDER (GENERALLY IN INFANCY) AND WHO WERE RAISED AS FEMALES SHOULD BE PERMITTED TO COMPETE AS FEMALES.

The purpose of gender verification should be only to prevent men from masquerading as females at women-only competitions.

4. IN THOSE SITUATIONS, AT ELITE COMPETITIONS, WHEREBY THE GOVERNANCE OF A SPORTS COMPETITION INSISTS ON A GENDER VERIFICATION ABOVE AND BEYOND DIRECTLY OBSERVING THE COLLECTION OF A URINE SPECIMEN TO INSURE THAT A MALE IS NOT MASQUERADING AS A FEMALE, THEN PHYSICAL EXAMINATIONS OF A LIMITED NUMBER OF ATHLETES, SELECTED AT RANDOM SHOULD BE EMPLOYED.

The principal of random sampling to prevent another form of cheating, the use of performance enhancing drugs, is well established and well accepted.

5. IN THOSE SITUATIONS, AT ELITE COMPETITIONS, WHEREBY THE PHYSICIAN IN CHARGE BELIEVES THAT THE ISSUE OF MASQUERADING CANNOT BE SATISFACTORILY DETERMINED BY MEANS OF DIRECTLY OBSERVING THE COLLECTION OF URINE DURING DOPING CONTROL, OR, IN THOSE CASES WHEREBY A RANDOM PHYSICAL EXAMINATION WAS PERFORMED AND WAS DEEMED INCONCLUSIVE, THERE SHOULD BE A PROVISION FOR FURTHER MEDICAL INVESTIGATION.

Although this provision should rarely, if ever, need to be employed, there should be a written policy in place dealing with the handling of “questionable” cases which is predicated upon the recommendations of independent multi-disciplined experts who are of international stature. In such cases, final determinations of eligibility should rest with a pre-determined independent body of experts in conjunction with the appropriate Medical Commission.

6. A WRITTEN PROTOCOL SHOULD BE IN PLACE FOR THOSE SITUATIONS WHEREBY AN ATHLETE REQUESTS OUT-OF-COMPETITION GENDER VERIFICATION.