

Joint Statement on Fairness, Inclusion and Non-Discrimination in Sport

GENEVA (25 February 2026) – *International sport forms part of cultural life and must be organized and regulated in a manner consistent with international human rights law, UN experts* said today. They issued the following statement outlining their concerns related to the use of mandatory genetic sex-testing, rigid biological criteria, and opaque deliberations to determine eligibility for participation in the women’s category:*

“The human rights principles of equality and non-discrimination, respect for human dignity, bodily and psychological integrity, privacy, and access to an effective remedy apply to States in their regulatory and oversight roles and are relevant to international sporting bodies whose rules and practices have direct and foreseeable human rights impacts.

The International Olympic Committee’s [Framework on Fairness, Inclusion and Non-Discrimination on the Basis of Gender Identity and Sex Variations](#) remains an important normative reference point. Its emphasis on sport-specific assessment, proportionality, transparency and non-discrimination reflects established human rights standards and acknowledges the limits of current scientific knowledge. The Framework appropriately cautions against categorical assumptions of advantage and affirms that exclusionary measures require a particularly high threshold of justification.

Recent developments in international sport raise serious concerns in light of these principles. Several international federations have adopted or announced eligibility regimes that rely on mandatory genetic sex testing or rigid biological criteria as a condition for participation in the women’s category. Such approaches revive practices that were previously abandoned following sustained scientific, legal and ethical criticism and risk reintroducing discrimination and other human rights harms.

Concerns have also been raised regarding the transparency and governance of ongoing deliberations within international sporting bodies on eligibility in the women’s category, including the establishment and operation of expert or advisory groups whose composition, mandate and working methods have not been publicly disclosed. Where eligibility decisions may have far-reaching and foreseeable human rights impacts, opaque processes and limited stakeholder engagement risk undermining the legitimacy of outcomes and eroding trust. Decision-making processes should therefore be transparent, participatory and inclusive, with meaningful opportunities for engagement by affected athletes and independent experts.

Under international human rights law, any differential treatment must pursue a legitimate aim and be objective, reasonable and proportionate. Where regulation is rooted in stereotype or generalised assumptions rather than robust and sport-specific substantiated evidence, it risks violating principles of equality and non-discrimination, undermining dignity, privacy and bodily integrity, and deterring individuals from exercising their right to participate in cultural life on an equal basis with others.

International human rights law provides clear guidance in this regard. Discrimination on grounds of sex and gender is prohibited. The Committee on the Elimination of Discrimination against Women has [clarified](#) that discrimination against women includes discrimination based on gender, as also [affirmed](#) by the Working Group on discrimination against women and girls, and that the Convention's protections extend to trans and intersex women in their right to participate in sport. The Special Rapporteur in the field of cultural rights has [warned](#) that indiscriminate bans of trans, gender-diverse and intersex women from women's sport - or categorising them as "male" - is inconsistent with international human rights standards. United Nations mandate holders have [further cautioned](#) that rigid, binary definitions of sex risk reinforcing harmful stereotypes and eroding progress toward substantive gender equality. Mandate holders have [also called](#) for the removal of policies requiring women athletes to undergo unnecessary or harmful medical procedures as a condition of participation, and have stressed that sporting regulations must align fully with international human rights standards, avoiding false conflicts between the rights of different groups.

An increasing body of comparative jurisprudence in several jurisdictions has subjected categorical exclusions in sport to heightened scrutiny under principles of equality and non-discrimination. Courts have emphasised the need for individualised, evidence-based assessments rather than blanket rules, and have recognised that inclusive approaches to eligibility are compatible with fairness and safety in sport. These developments reinforce the view that rights-respecting, sport-specific pathways to participation are consistent with States' international human rights obligations and evolving legal standards.

Against this background, blanket bans on the participation of transgender women in the female category raise serious concerns. Such measures presume uniform advantage without adequate evidence, rely on categorical exclusions rather than individualised assessment, and risk imposing disproportionate burdens on a small and already marginalised group. Mandatory genetic sex testing likewise raises concerns in relation to privacy, bodily integrity, informed consent and data protection, particularly where athletes are compelled to undergo testing under threat of ineligibility and where sensitive personal data may be processed or disclosed without adequate safeguards.

Serious concerns also arise with respect to access to an effective remedy. Athletes challenging eligibility rules are typically required to submit to mandatory arbitration before the Court of Arbitration for Sport. Structural barriers, high costs and limitations in judicial review have raised persistent questions about the adequacy of existing mechanisms for adjudicating fundamental rights claims, particularly where sporting regulations interfere with core aspects of human dignity, bodily integrity and social identity.

In this context, scientific uncertainty cannot justify categorical exclusion or coercive testing. On the contrary, uncertainty heightens the obligation to proceed with caution and to prioritise inclusion. Eligibility rules must be demonstrably necessary, proportionate and grounded in robust, sport-specific evidence, and must be accompanied by safeguards for dignity, privacy, participation and effective remedy.

Mandate holders therefore call on States, the International Olympic Committee and international sporting federations to reaffirm their commitment to dignity and rights-based sport governance, to refrain from endorsing or implementing blanket bans or mandatory genetic sex testing, and to ensure that any eligibility regulations are developed through transparent, participatory processes and remain subject to ongoing review in light of evolving evidence and human rights standards.

Upholding sport-specific, proportionate and rights-respecting pathways to participation is essential not only to protect affected athletes, but also to preserve the integrity and credibility of international sport as a domain governed by fairness, inclusion and non-discrimination.”

ENDS

***The experts:**

- **Graeme Reid**, [Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity](#)
- **Alexandra Xanthaki**, [Special Rapporteur in the field of cultural rights](#)
- **Tlaleng Mofokeng**, [Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health](#)
- **Claudia Flores (Chair), Ivana Krstić (Vice-Chair), Dorothy Estrada Tanck, Haina Lu, and Laura Nyirinkindi**, [Working Group on discrimination against women and girls](#)

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