



INCLUSION OF TRANSGENDER, INTERSEX AND NON-BINARY PEOPLE IN SPORT

RECOMMENDATIONS TO SPORTS FEDERATIONS AND SPORTS CLUBS

DIF* december 2021

*Danmarks Idrætsforbund (Sports Confederation of Denmark) is referred to throughout this report by its Danish acronym DIF.

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Inclusion of transgender, intersex and non-binary people in sport
Recommendations to sports federations and sports clubs

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FOREWORD

Sport and associational life generate joy and enthusiasm, strengthen health and social cohesion, and serve as a source of lasting relationships and identity for countless Danes. In a society brimming with offerings and virtually endless possibilities, sports clubs form a vital part of the social fabric, connecting nearly two million Danes across social classes, professions and educational backgrounds.

At DIF, we aspire to achieve the highest level of sports participation in the world and focus on delivering high-quality sporting opportunities. Our ambition is for sport to become a natural part of every Dane's leisure life—from children's sports to senior sports. That is why everyone must feel welcome in sport. We tolerate no form of discrimination based on political beliefs, disability, gender, gender identity, sexual orientation or religion. This is a fundamental value for DIF, and we work to ensure a greater level of inclusion and diversity in sport. Everyone should feel safe and secure within a sports community. DIF-affiliated clubs must provide inclusive recreational opportunities alongside ambitious structures for competitive sport and the most talented athletes.

This report addresses, however, a relatively new facet of diversity in sport: the ability of transgender, intersex and non-binary people to participate in sport in accordance with their gender identity. This topic is much debated both in broader societal discourse and within the international sports organizations. It is therefore important that DIF also engages with this issue, thereby ensuring that we reflect the diversity of the society we belong to. Together, we must ensure that anyone wishing to be part of a sports community has this opportunity and is treated with respect and dignity.

A truly diverse approach to sport cannot be delivered by a few alone; it requires partnership. Everyone across the sports sector has a role to play in ensuring that sport is inclusive, and there are already many positive initiatives that anyone can adopt. Yet we still face uncharted territory and a number of important discussions and dilemmas to navigate. We hope that this report—with its advice and recommendations—will help DIF's sports federations and sports clubs to move in the right direction. We encourage everyone in the Danish sports arena to acquaint themselves with our advice and recommendations. At DIF, we welcome all people, regardless of their gender or gender identity.

Hans Natorp, chair

Rikke Rønholt, board member

Board of directors, DIF

INTRODUCTION

By means of this report and its recommendations, DIF aims to make it easier for people with gender identity considerations to become part of the organized sports community. Achieving this requires DIF to take the lead and support sports federations and sports clubs with the questions and challenges that arise from a desire for more inclusive sport. DIF will help the sports federations and sports clubs to define the best opportunities for inclusion in their activities and will recommend a range of initiatives to support an inclusive agenda.

For transgender, intersex and non-binary athletes, there is currently no clear stance or set of rules governing their participation in Danish sport. The IOC and the international sports federations have regulations addressing the participation of the numerically small group of adult elite athletes in international competitions, but for the broader population (children, young people and adult recreational athletes), no prior recommendations have been developed within an overarching Danish context.

This report therefore seeks to offer concrete advice and recommendations on how DIF and the sports federations should handle dilemmas faced by transgender, intersex and non-binary people in DIF-affiliated sport. These guidelines are to be made accessible for all stakeholders in Danish sport, who can draw on them to promote the participation of all minorities in sport. The advice and recommendations in the report are advisory in nature and do not constitute binding obligations for either sports federations or sports clubs.

DEVELOPMENT OF RECOMMENDATIONS

In drafting these recommendations, DIF engaged a broad spectrum of stakeholders, including representatives from sports federations, public institutions, civil society/NGOs, human rights organizations, medical experts, athletes and the LGBTI+ communities. Over four meetings with these stakeholders, DIF gathered input on the various aspects concerning transgender, intersex and non-binary participation in sport. DIF also conducted research in relevant articles and the latest studies in this area, and it has maintained an ongoing dialogue with the IOC regarding the international inclusion recommendations for sport. Based on the insights obtained from its stakeholders, DIF has formulated the recommendations presented in this report. These are DIF's recommendations to sports federations and sports clubs, and DIF alone is responsible for their content.

WHO ARE THE RECOMMENDATIONS FOR?

The recommendations are designed to provide guidance to Danish sport at all levels—from sports federations to local sports clubs across the whole country. DIF's ambition is that the sports federations and sports clubs will base their work on these recommendations and thus find assistance in "translating" and navigating the issue in their own relevant context. The target audience for DIF's recommendations is comprised of:

- Sports federation boards, committees, and their local branches/unions
- Volunteer leaders and coaches at all levels
- Staff employed by sports organizations and clubs
- Volunteer leaders and committees of local sports clubs
- Referees, officials and similar roles

These recommendations can also help athletes and members to understand their role in ensuring a diverse and inclusive sports environment. The recommendations may also prove useful to the public as well, including educational institutions, parents and caregivers of transgender, intersex and non-binary people, who wish to ensure that sport is inclusive and welcoming for everyone.

The recommendations are intended to support sports federations and sports clubs in their capacity as responsible bodies overseeing sport, its development and its rules. For many sports federations, the international sports bodies may also be relevant, as specific sport regulations may apply to each individual sport in international contexts and competitions.

While this report is primarily written for the large group of cisgender people responsible for sport within Danish sports federations and sports clubs, the messages and recommendations it contains are also important for transgender, intersex and non-binary people. Gaining a deeper understanding of how sports federations and the sporting world operate can empower individuals to drive and sustain change. It is important that one is aware of one's rights and understand that one is to be treated with dignity and respect. However, creating an inclusive sports environment is not the responsibility of any single actor; everyone has a role to play in this process, and there are initiatives that everyone can undertake.

ACKNOWLEDGEMENTS

Thank you to everyone who contributed input, expertise, case studies, reflections and time to the development of this report. The work has been both challenging and sensitive, as it touches on many people's identities and well-being, as well as their experiences of discrimination and differential treatment. The process has been further complicated by the COVID-19 pandemic and the resulting restrictions on gatherings, which impeded the meetings of the working group. We extend our gratitude to the members of the working group, the sports federations, the representatives from the LGBTI+ communities, and everyone else who offered conversations and perspectives.

Members of the expert working group who provided input to DIF's report:

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BACKGROUND

What should a volunteer coach do if 12-year-old Sofus shows up for training one day and announces that “he” feels a misalignment with his birth-assigned gender, and that from now on she would like to be called Sofie? Sofie now wants to train with the girls instead of the boys. Can you simply send Sofie over to the girls’ coach? What impact will this have on the balance of power, team cohesion and competition in the girls’ division? And where should Sofie now change and shower? Which pronoun should we use when addressing him/her/them? How will her 12-year-old teammates react to having Sofie on their team, and how do we ensure she integrates smoothly into her new team? If it turns out that Sofie has real sporting talent and could be a decisive factor in achieving sporting success, can she compete in the national championships? Can she be selected for the national team and international competitions? What rules would then need to be in place to ensure fairness toward other women?

There are already many questions and dilemmas that volunteer leaders or coaches must handle in sport. The questions and dilemmas around gender identity are, however, a relatively new challenge that requires one to be well prepared to navigate and act in a world that is unfamiliar and complex for many of the more than 500,000 volunteers in Danish sport. Accordingly, DIF has published this report to provide advice, guidance and recommendations for creating frameworks and guidelines to ensure a safe and inclusive sports environment for everyone, regardless of gender identity.

WHAT ARE WE TALKING ABOUT, AND HOW BIG ARE THESE DILEMMAS?

For the vast majority of the individuals involved in sport—whether as volunteers or professionals—issues of inclusion and diversity related to different gender identities are not naturally part of the sporting context. It is therefore pertinent that DIF delivers some basic information in this section that will be useful to those less familiar with questions surrounding gender identity, transgender people and related topics.

Definitions of various gender identities are, however, not mutually exclusive or static. Over time and across different regions and cultures, language and terminology will vary significantly. It is therefore important to understand these concepts and use them in a considerate and respectful manner. For the sake of consistency and respect, the following key definitions are used in this report:

GLOSSARY

LGBTI+

The five letters stand for lesbian, gay, bisexual, transgender and intersex. This abbreviation is the most common form employed by Amnesty International. Other variations may include additional letters to represent other groups, and a “+” is sometimes added to encompass identities that are not named explicitly.

Transgender Person

Refers to individuals whose gender expression and/or gender identity differs from conventional expectations based on the sex they were assigned at birth. A transgender woman is someone assigned the “male” sex at birth, but who identifies as a woman. A transgender man is someone assigned the “female” sex at birth, but who identifies as a man. Transgender people often change their gender expression and may often want to pursue legal gender recognition. Some also choose to undergo gender-affirming medical treatment, while for others this is not relevant. Being transgender is unrelated to sexual orientation. Transgender people form a heterogeneous group with multiple

subgroups. According to key figures from the SEXUS survey¹ 0.1 % of Danes aged 15–89 identify as transgender, evenly split between trans men and trans women. Out of a population of 4,802,616 people aged 15–89² in 2018, that amounts to 4,802 transgender people in that age range. In addition, children and young people under the age of 15 are not included in the SEXUS survey, and there is also likely to be a shadow population that does not appear in the survey.

Non-binary

Refers to individuals who define their gender as being outside the binary categories of “man” or “woman”. Within this framework, gender is understood as being more and other than just male or female; a person may identify as both, neither-nor, or somewhere in between. The SEXUS survey finds that 0.44 % of the population identifies as non-binary³, equating to around 25,934 people in Denmark. This does not necessarily mean that they are transgender.

Intersex

An umbrella term covering more than 40 congenital variations in sex characteristics, including genitalia, reproductive organs, chromosomes, hormone balance, and secondary characteristics (such as facial hair or breast tissue) which mean that the person cannot be fully or clearly defined as male or female, and therefore does not fit into the societal norm concept. Most intersex people do not experience discomfort with their assigned gender and do not suffer gender dysphoria.

An intersex person may identify as male, female or neither. Intersex people exhibit the same diversity of sexual orientations and gender identities as non-intersex people. An intersex variation may be visible at birth or emerge later. In some cases it may never be outwardly apparent, though an intersex variation can be detected through blood tests, scans, objective examinations or similar methods.

According to the SEXUS survey⁴, 1.3 % of men and 0.9 % of women have been diagnosed as a child, young person or adult with variations in their biological sex characteristics that do not correspond to the typical male or female. Only a small fraction of these (around 0.02 % of the population) self-identify as intersex. When the 1.3% and 0.9% are converted to absolute numbers, the survey indicates about 127,600 Danes with such variations in their biological sex characteristics. Intersex Denmark estimates the figure of intersex people at 1.7 % of the population⁵, highlighting the uncertainty inherent in counting the number of intersex people in Denmark.

Gender Identity

A concept that refers to the way a person perceives and identifies their own gender. One’s sense of being a transgender person, a woman or a man is not necessarily fixed; it can be fluid and vary in intensity throughout one’s life. Transgender people challenge the binary gender norms, demonstrating that societal assumptions about gender are neither universal nor generally valid.

Cisgender

Cisgender refers to people whose gender identity and expression align with the sex they were assigned at birth. A cisgender person experiences congruence between their assigned sex, gender identity and gender expression and the sex they were assigned at birth.

¹ Sex in Denmark, key figures from Project SEXUS 2017–2018, M. Frisch et al., Statens Serum Institut, Aalborg University, p. 279

² Figures from Statistics Denmark, StatBank Denmark

³ Sex in Denmark, key figures from Project SEXUS 2017–2018, M. Frisch et al., Statens Serum Institut, Aalborg University, p. 13

⁴ Sex in Denmark, key figures from Project SEXUS 2017–2018, M. Frisch et al., Statens Serum Institut, Aalborg University, p. 13

⁵ <https://www.intersexdenmark.com/inttal>

It is important to underline that the definitions above are neither static nor mutually exclusive. In addition, research literature and population surveys face inherent uncertainty when identifying gender identity and intersex status via questionnaires. International studies add complexity by using different questions and/or terminology to capture LGBT identities in quantitative questionnaires and qualitative interviews.

No official statistics exist on how many transgender, intersex and non-binary people participate in organized sport in Denmark. Membership data in Danish sports clubs is recorded only in binary gender, thus presenting a particular challenge for DIF to adapt its data collection so that intersex and non-binary people can accurately self-identify in the membership records of Danish sports organizations.

INCREASE IN THE NUMBER OF TRANSGENDER AND NON-BINARY PEOPLE

Over the past few years, there has been a marked rise in the visibility of diverse gender identities in society. This shift has coincided with the introduction of legal gender transition procedures and diagnostic and treatment pathways within the healthcare system. Hospitals now report a sharp increase in referrals from individuals seeking public hospital support to affirm their gender. A similar trend is evident across much of the Western world. In Denmark, this development was further accelerated when the Danish Health Authority issued new guidelines on diagnosing and treating transgender people, which became effective from 19 December 2014. These guidelines reframed the diagnosis of gender-identity issues from a psychiatric disorder to a condition warranting supportive treatment, enabling individuals to live and be recognized in their preferred gender. This significant change in the healthcare system's approach to diagnosing transgender people has contributed to an increase in the number of transgender people daring or choosing to seek care through public hospitals.

The growing diversity in gender identity and the evolving understanding of gender are also reflected in other Western countries and popular culture. For example, the world-renowned pop star Sam Smith now identifies as non-binary and no longer uses “he” pronouns. Caitlyn Jenner—who won Olympic gold in the decathlon in Montreal in 1976 as William Jenner—has since become one of the most famous transgender women, thanks to her background and her high-profile reality-TV appearances in the USA. In a Danish context, the media have likewise featured several children and young people who wish to be recognized as a different gender than the one assigned at birth⁶.

Given these developments, Danish sport, sports federations and sports clubs will increasingly need to address situations where individuals who do not fit into traditional categories of male or female seek to participate in sport. Some sports federations have already encountered isolated cases in which clubs or athletes were unsure how to proceed when confronted with gender-identity questions. It is highly likely that other sports federations will face similar inquiries in the near future, as gender diversity becomes more and more visible in our society. Moreover, the roughly 100,000 volunteer coaches and leaders across the more than 9,000 sports clubs will turn to their sports federations and to DIF for assistance and guidance to ensure positive and respectful inclusion in club sport.

⁶ <https://www.dr.dk/nyheder/indland/marcus-paa-ni-blev-foedt-som-pige-gud-du-har-lavet-en-fejl-med-mig>
<https://livsstil.tv2.dk/2020-05-06-seks-aarige-storm-gaar-i-kjole-og-badedragt-i-starten-troede-foraeldrene-bare-det-var-en>

THE DILEMMAS OF GENDER IDENTITY IN SPORT

When transgender, intersex and non-binary people seek to participate in sport, they bring to light fundamental—and almost philosophical—dilemmas that sport has to respond to. The dilemma arises from tensions between some of the fundamental values that underpin sport.

First, there is a value that sport must be open to everyone and that all participants feel welcome. No form of discrimination based on political beliefs, disability, gender, sexual orientation, gender identity or religion is tolerated. It is a fundamental value of Danish sport, DIF and the sports federations that everyone should feel safe and welcome in a sporting community. This value is based on a wish to ensure inclusion and openness at all levels, so that everyone can find joy in sport.

Second, there is a value that competitions must be equal and fair. This stems from the ideals of fair play and is about ensuring exciting competition. In sport, unpredictability in competition is important—not only for maintaining spectator interest but also for motivating participants. There is a unique fascination and motivation in watching or taking part in a competition whose outcome cannot be known in advance, even though the rules are clearly defined. Unlike other experiences in the arts and culture—such as films, books, theatre or music—which generally follow the same structure and progression each time they are seen, read or heard—sport stands apart. When the same teams or athletes meet again and again, the outcome remains uncertain. This unpredictability and excitement with regard to competition is what allows millions of Danes to gather around their TV screens for major finals and sporting events. For the athletes, ambition and the unpredictability of competition are key drivers of motivation across many sports.

That is why rules have been established that prohibit doping and match-fixing, as these are considered unfair and can threaten the unpredictability of competition. For the same reason, separate divisions have been created where women compete against women, because, in many sports, a competition against a man would be decided in advance due to the physiological differences between women and men. Women's divisions are therefore an initiative to ensure that women can also participate in competitions on equal terms. In summary, there is a desire in sport to ensure fair competition, where the consideration for women's (AFAB) access to equal competition is highly valued.

Third, there is a fundamental safety consideration to take into account in sport. Participation in sport should be free from unnecessary risk. No one should be exposed to violence, abuse or other physical assaults that could harm the participant. This may seem paradoxical in light of the fact that several contact sports feature highly intense matches, where the aim itself is to kick and hit the opponent as much as possible. In many team ball games, there is also at times heavy contact, where participants sustain bruises and injuries. However, these sports also have rules and safety procedures in place to ensure that everyone is protected as much as possible from violence and assault. The people who participate in contact sports do so within a defined set of rules (e.g., weight classes), where there is an understanding and acceptance that contact may occur and could result in injury. But fundamentally, it is crucial in sport that everything takes place in a manner that is safe and responsible within the established rules and frameworks.

The inclusion of transgender, intersex and non-binary people in sport gives rise to certain dilemmas in relation to these three fundamental values, which must be considered and addressed. How can the values of inclusion and sport for all be reconciled with the values of fair competition if the competition is open to everyone and there is a risk that some groups may have particular physical advantages that could be perceived as unfair competition? Should access then be limited at the expense of sport for all? How can one both wish for everyone to be included and at the same time have rules about who may participate in competitions? How can it be ensured that trans women and intersex people can participate and compete on equal terms if they are not allowed to compete in the women's divisions?

In continuation of this, how can the desire for inclusion be reconciled with the safe and responsible conduct of sport? If everyone is allowed to participate, does that not entail a risk that someone could be seriously injured? If a physically superior opponent from the aforementioned groups is included, it must necessarily come at the expense of prioritizing safety in sports participation. Can sport accept that safety becomes a secondary concern simply because everyone should be allowed to participate wherever they wish? And if it is determined that intersex athletes must compete in the men's divisions, is it not irresponsible for safety reasons to let an intersex individual compete against a physically superior man?

When faced with such dilemma-laden choices, one must make a decision about what matters most to one's values and beliefs. Dilemmas are fundamentally characterized by the impossibility of adopting a position that accommodates both ends of the spectrum. One must therefore assess how far one is willing to go in the effort to ensure inclusion. In different situations, certain principles will rank higher than others, which must then be pursued in alternative ways or under the overarching principle.

These are the dilemmas—and their resulting consequences—that this report addresses through its advice and recommendations. However, this presupposes that one acknowledges and shares the premise that the above dilemmas arise when transgender, intersex and non-binary people participate in sports. It is therefore also an independent recommendation that one deconstructs the dilemma positions and explores solutions and initiatives that build bridges between principles, so that it does not become a question of either/or, but rather a question of both/and under certain given premises, where possible. This includes offering alternatives in cases where one position is prioritized over the other, so that sport in Denmark becomes accessible to all.

SEVEN RECOMMENDATIONS FROM DIF

It is essential for DIF to take a nuanced view of the issue of gender identity in sport and therefore to divide its recommendations into different elements. By examining various sports and levels of participation, a more refined and differentiated approach to the outlined dilemmas can be developed. DIF does not therefore present a single recommendation that generally favours one position over another. Such an approach would be too simplistic and lacking in nuance to serve the interests of both sport and the inclusion of transgender, intersex and non-binary people. This is also in line with the direction taken by the IOC in this area. The IOC's recommendations regarding transgender people in sport serve as an overarching framework, while it is the international federations that set the specific rules for their respective sports and championships⁷.

In continuation of this, DIF does not wish to dictate rules that should apply to gender identity matters within the sports federations or the individual sports clubs. In the first place, imposing such rules would prevent the desired nuances and differences between sports from emerging, if DIF's regulations were to apply to 1.9 million members. And in the second place, DIF's statutes do not contain provisions regarding how sport is practised, or rules for who may participate, etc., and therefore it would not be appropriate for DIF's statutes to regulate specific questions of participation. That decision clearly lies with the individual federations, in accordance with the regulations of the relevant international federations.

Instead, DIF hopes that this report and its recommendations will serve as a point of orientation for the sports federations to refer to. However, it is up to each federation to make its own decisions regarding its stance and its approach to the dilemmas. Based on the report, DIF will support those federations that wish for assistance in developing specific recommendations for their respective sports. Ultimately, it will be each individual sports federation that decides who may participate and under what conditions.

PARTICIPATION IS AN OFFER AND NOT A RIGHT

Each individual sports federation has the right to establish rules regarding the conditions that must be met before one can participate in the sport in question. A sports federation operates within the sphere of civil society, where participation in sport is an opportunity and not a right. Thus, no individual has a claim to participate in the activities of a sports federation. It is always within the decision-making authority of the individual federation to set conditions and rules for the practice of the sport in question. The same principles apply to membership in a local sports club. Here, the club's activities are an offer, and, in principle, anyone can become a member, but it is not a guaranteed right.

This stands in contrast to, for example, the labour market, where individuals may not be discriminated against based on gender, race, sexual orientation, religion, etc. (the Equal Treatment Act). In that context, there is a right to equal treatment, which can be reviewed by an independent body. Outside the labour market, the Gender Equality Act exists to prevent discrimination based on gender in the provision of goods and services. Again, Danish sports federations and sports clubs are exempt from the scope of this law, as civil society's offer of participation in sports activities does not fall under the definitions of "goods and services". In commercial sports, however, it would be unlawful to deny access to certain target groups for the goods and services being offered. That said, commercial sports providers generally have little interest in limiting their customer numbers based on gender identity.

⁷ <https://olympics.com/ioc/news/ioc-releases-framework-on-fairness-inclusion-and-non-discrimination-on-the-basis-of-gender-identity-and-sex-variations>

For the sake of clarity, it should also be noted that categorization by gender is legal, and therefore it is lawful to request information about birth sex. No individual is compelled to provide such information to a sports organization. However, failure to submit such information may result in a person being excluded from competing in the category of one's choice.

RECOMMENDATION 1: TAKE A STANCE

The first recommendation from DIF to the federations is that they must take a position on the dilemmas surrounding gender identity in sport. Regardless of whether a federation leans towards one viewpoint or another, it is important that it engages with the issue. The federations should be proactive and initiate discussions at both the political and administrative levels about how they position themselves on the matter—before they find themselves in a dilemma-laden situation. Moreover, it aligns with the DNA of DIF and the sports federations to develop rules and regulations for participation in their sports, so such discussions should not be unfamiliar territory for a sports federation.

Many federations have not yet encountered these dilemmas in their operations and may therefore be inclined to remain passive. This carries the risk that a “case” will arise, and the federation will then be forced to address difficult considerations reactively. Such a discussion furthermore risks becoming a for-or-against debate about an individual athlete's right to participate in sport, which can overshadow the fundamental value-based position. Likewise, it risks becoming an inappropriate assessment of an athlete's potential superiority in competition—resulting not in a principled stance, but merely a case-by-case evaluation of whether an athlete has a competitive advantage. This can also place the individual athlete in a difficult and unacceptable position. The federations are doing themselves a disservice by failing to take a stance on these dilemmas and by remaining in a reactive position.

In their efforts to take a position, the federations can broadly adopt one of three approaches in relation to the dilemmas outlined above. First, they may choose to prioritize inclusion, thereby allowing unrestricted access to all activities. Second, they may opt for an approach that places most emphasis on fair competition, which would entail specific rules for participation. Third, they may choose to prioritize safety, making it clear that not everyone is permitted to participate due to safety concerns. The fourth position is to refrain from taking a stance—this is the least desirable position for a federation to be in.

DIF's recommendation to take a stance is therefore about ensuring that sports federations clearly communicate to the public which rules, priorities and values guide their work on inclusion. At the same time, this presents a unique opportunity for sports federations to promote diversity within their sports and to demonstrate themselves as progressive and modern federations that lead the way and uphold the values of inclusion. In cases where a federation finds it impossible to ensure inclusion across all disciplines, it should at the very least clarify alternative options for transgender, intersex and non-binary people.

Just as there is currently a clear stance on how cisgender people can participate in sport, there must also be a clear position on how gender identities can be included in sport. Transgender, intersex and non-binary people must know under what conditions they can participate in sport—before the dilemmas arise.

RECOMMENDATION 2: ASSESS HOW GENDERED YOUR SPORT IS

Following the first recommendation, federations must consider to what extent gender plays a decisive role in sport. This is where the diversity of sport truly becomes visible, as some sports are highly gendered, with significant

differences in how men and women engage in and are able to participate in the sport. However, there are also sports where gender plays a lesser role and has little impact on either participation or execution.

By definition, sport involves physical activity, so the degree of gender influence relates to assessing the importance of physical attributes in the sport. Multiple studies⁸ have documented that, on average, men are taller than women, possess greater muscle strength and muscle mass, have larger and stronger skeletons, have higher aerobic capacity, and are therefore faster than women due to larger lung and heart capacity. In sports where it is important to be tall, strong and fast, and to have stamina and possess specific physical characteristics, these sports are typically highly gender-dependent. In such cases, it may make sense—based on the principle of fair competition—to have rules for participation, in order to ensure unpredictable and fair competition for women, assigned female at birth. Conversely, if physical attributes play a lesser role, the sport is less gender-dependent, and inclusion should be a decisive value.

In cases where a sport is relatively unaffected by gender, it is worth exploring the reasons why participants might still be divided by gender. There may be practical considerations that sports federations and sports clubs need to account for, such as logistics, facilities or organizational aspects. But when the sport is not gender-dependent, the fundamental value of sport for all and the desire for inclusion should carry the most weight. In such cases, DIF recommends that gender-based divisions ought to be eliminated. For example, in equestrian sports, gender is not a focus in a competitive context—but this remains quite an exceptional case.

RECOMMENDATION 3: MEN'S DIVISIONS SHOULD BE OPEN TO ALL

Another area where the dilemma surrounding transgender, intersex and non-binary people in sport should not play a significant role is in men's sports. Here, the physical attributes of transgender, intersex and non-binary people do not create competitive advantages that challenge sport's aim of fair and unpredictable competition. Therefore, DIF recommends allowing sport for all and adopting an inclusive approach when it comes to participation in sporting events where men are otherwise the participants.

The dilemmas around the inclusion of transgender, intersex and non-binary people in sport are thus primarily centred on participation in women's categories, as these dilemmas are less pronounced in relation to participation in men's sports. This recommendation applies to all subsequent recommendations as well, meaning that the default position should always be that everyone can participate in the men's categories regardless of gender—though with consideration for safety aspects.

The safety aspect is particularly relevant in high-contact sports. In such cases, it may be necessary to divide participants into, for example, weight classes to ensure safe participation. Likewise, safety considerations must be taken into account when a trans man or an intersex person competes against a man, assigned male at birth (AMAB). An important perspective to include is that a significant proportion of intersex people, due to their variation, do not possess the same physical attributes one would expect of men, assigned male at birth (AMAB). Men (AMAB) have a competitive advantage over intersex people who do not share these attributes. Inclusion of intersex people in men's sports may therefore also challenge sport's aim of fair competition.

⁸ <https://equalityinsport.org/resources/index.html>

RECOMMENDATION 4: INCLUSION SHOULD BE PRIORITIZED IN GRASSROOTS AND RECREATIONAL SPORT

When participation in sport is further differentiated and attention is directed toward the large group engaged in grassroots and recreational sport, these people are typically referred to as recreational athletes. For this target group, fair competition, broadly speaking, holds little value beyond those directly involved. However, that value can still be relatively significant. It rarely matters to commercial interests, media coverage or spectator attention whether a grassroots competition is fair and equitable. Therefore, DIF recommends that inclusion and diversity should carry greater weight in grassroots and recreational sport, as this is not necessarily in conflict with fair competition from an external perspective.

Nevertheless, there are certain sports where, despite a pronounced grassroots perspective among participants, fair and unpredictable competition is crucial for motivation. Even if one practises grassroots sport without the potential to make the national team, it can be essential to participate and compete on equal and fair terms. For example, a fifth-division football match in front of seven spectators, a second-division volleyball game or a match between two recreational badminton players may be fundamentally based on fair competition as the primary reason for their participation. In such competition-oriented grassroots sports, there should also be recreational alternatives that can be practiced without a focus on fair and unpredictable competition. Football fitness, handball fitness and recreational floorball are good examples of this. DIF therefore encourages sports with a strong competitive identity among grassroots participants to develop sports offerings and formats that allow everyone to participate in a competition, nonetheless. In this context, it may be relevant to use golf's handicap system as a reference—a way to compete together, yet at the same time on equal terms.

Moreover, there are many recreational sports where competition is not the focus when playing, and therefore it is not necessary to focus on fair competition. In many recreational sports, the emphasis is instead on health, well-being, aesthetics, nature experiences and leisure. In these cases, there should generally be open access for everyone to participate, without gender-based divisions. When engaging in recreational sport, DIF recommends that inclusion be prioritized and that everyone be allowed to participate in the activity in question regardless of gender.

For DIF, it is important to prioritize the principle of a person's fundamental right to define their own gender over considerations of potential competitive advantage when it comes to sport aimed at exercise, health, well-being, aesthetics, nature experiences and community. People should not be restricted or excluded from participating in recreational sport. This also contradicts fundamental values if recreational athletes are required to alter their bodies through hormone treatment in order to meet sport's definition of "boy", "girl", "man" or "woman" to be allowed to participate at this level.

RECOMMENDATION 5: INCLUSION SHOULD BE PRIORITIZED AMONG CHILDREN AND YOUNG PEOPLE

CHILDREN UP TO 12 YEARS OLD

In the context of children's sport—which in a general DIF framework is broadly defined as up to 12 years old—the focus should be on play and development, and not on results and performance. In children's sport, it is typically the parents, and to a lesser extent the children themselves, who care about fair and equal competition. There are no external considerations from the media, spectators or partners regarding fairness in competition, and therefore the concern for fair competition carries less weight than in competitive and/or elite sport.

Healthy exercise habits are formed early, and therefore DIF's sports offerings for children should be designed with inclusion as the highest priority. In some sports, one can go a step further and ask, out of curiosity, why gender division is practised at all. In the more widespread children's sports such as football, handball, gymnastics, badminton and swimming, this is typically a matter of cultural tradition. But limitations in access to facilities and the availability of physical space are also significant reasons why children are divided by gender and age. In many less widespread children's sports, gender division is not even an option, as there are not "enough" children under 12 to create a meaningful division. This applies to sports such as dance, golf, floorball, roller skating, rugby and climbing, where children's gender and age should not play a role when they begin participating.

DIF therefore recommends that inclusion be the focus and priority in children's sport. Many children with variations in their gender identity simply want to participate in sport alongside, and like, their peers. It is important that club-based sport can also accommodate them and ensure that they have a positive sporting experience. Since many sports have large numbers of children active at the same time, there may be practical space constraints that prevent everyone from training simultaneously. In such cases, it could be worth considering whether alternative ways of dividing would make sense. It may also be the number of volunteer coaches and helpers that limits access, meaning that not all children can be accommodated and a waiting list must be established.

YOUNG PEOPLE BETWEEN 13 AND 18 YEARS OLD

For young people, defined in a general DIF context as those between 13 and 18 years old, there is—alongside play and community—an increasing focus on results and performance. Many federations have talent development and performance optimization as a natural part of their DNA, and invest significant efforts and resources in promoting the best talent and elite environments. However, it is equally important to maintain and develop offerings for young people who are part of the sporting community but are not driven by results and performance. DIF's political programme for sport also states that we must develop the sport offerings of the future for and with young people, and here it is natural to focus on inclusion and openness among young people. The most skilled and most ambitious young athletes will undoubtedly receive attention and resources, so the aim is not to "take something" from that group, but to "give something" to a group with different motivations for participating in sport.

For young people who experience discomfort when their body, civil registration number or appearance does not align with their understanding of gender, sport can help create a space where they can be who they want to be. However, there are differences in the possibilities and suitability of various sports to work with inclusion of transgender, intersex and non-binary people. Each specialized federation is therefore encouraged to consider how their sport balances the outlined dilemmas of inclusion, fair competition and safety (cf. Recommendation 1). The recommendations provided by DIF above are relatively general and at an overarching level. In many sports, there is a need for "translation" and practical guidance on how inclusion is expressed in concrete terms. DIF's recommendation in the area of young people is that federations develop participation opportunities where gender does not play a role, and where community and togetherness around sport are central. As an example and an illustration, DBU Copenhagen has held tournaments where gender is not a focus, and where boys and girls play together on teams and find it to be a fun and enjoyable activity⁹.

See also the appendix with a guide to increased inclusion in the association.

RECOMMENDATION 6: DEVELOP AN INCLUSIVE POLICY, CULTURE AND LANGUAGE IN SPORT

The group of transgender, intersex and non-binary people is part of a group of minorities in society that, to a significant extent, do not find a place within the communities of sport. In the same category are other minorities such as homosexuals, non-ethnic Danes, autistic people, vulnerable groups, people with mental health conditions and the unemployed. Although there are no precise statistics on sports participation among transgender, intersex and non-binary people, it is reasonable to assume that their level of participation—like that of other minorities—is not as widespread as among the majority population. Furthermore, the LGBTI+ community often does not feel included in the social environment of sport and frequently encounters prejudice and derogatory remarks¹⁰.

In other words, there are several different minority groups in society that do not experience sport as a natural framework for their leisure activities. These minority groups share no common traits other than the feeling of not being equally welcome in sporting communities. Over the years, sports federations and DIF have taken various initiatives to help minorities become part of the sporting community. For example, DIF has for many years worked with children and young people in disadvantaged residential areas through the DIF get2sport programme.

Looking ahead, DIF sport should offer more than a binary gender identity option in its sign-up and registration systems. Specifically, this should be implemented by expanding the annual membership registration in DIF, DGI (Danish Gymnastics and Sports Associations) and Dansk Firmaidræt (Danish Federation for Company Sports) to include an “other” gender category. The binary division of gender should be supplemented with an alternative to make room for more gender identities and to signal that everyone is welcome. DIF encourages federations and associations that register participants or event sign-ups to adopt the same approach, in order to create more inclusive environments. The most recent example of this is the registration for Royal Run 2022, where participants could register as ‘male’, ‘female’ or ‘other’.

There is no single solution that ensures inclusion across all minority groups. Instead, what is needed is a sustained and determined effort, where certain key initiatives apply regardless of the specific minority. These include working with inclusion policies, role models, attention to culture and language, and facilities. The following section provides detailed recommendations to sports federations on how sport can be made more inclusive based on our current experience.

AN INCLUSIVE POLICY

DIF, the sports federations and the sports clubs should engage in discussions within relevant decision-making forums about how to ensure that they are organizations open to all. Sports organizations must increasingly take responsibility for creating a safe environment where individuals feel comfortable stepping forward and participating in sports activities. Currently, it is often the individual's responsibility to come forward and disclose that they are transgender, homosexual or belong to another minority group—and possibly to highlight any new or specific needs that could make participation safe and positive. Instead, DIF, the sports federations and the sports associations must assume this responsibility on behalf of the community and the majority, by being proactive and inclusive in their policies and practices. Otherwise, only minority individuals with sufficient resources will feel able to step forward and take part in sports. Given that transgender, intersex and non-binary people are already among the most vulnerable groups in society, placing the burden on them to gain access to sport is an unreasonable demand. Through inclusive policies, we can shift this responsibility to the community, ensuring that individuals feel safe to come forward.

¹⁰ <https://kum.dk/aktuelt/nyheder/problematiske-forhold-for-lgbti-personer-i-idraetten>

An inclusive policy and the resulting inclusive sports offerings have the potential to invite and encourage more people to participate in sport, rather than feel marginalized or unwelcome. By acting more inclusively and tolerantly, we make room for more people in the sporting community. This is not about “taking something away” from anyone, but about “making space” for people, so that more people can be part of our communities.

To ensure that an inclusive policy makes a real difference, it would also be relevant to appoint a contact person who is publicly visible as a resource for minorities wishing to participate. This will help to create a safe and secure environment, with a responsible individual leading the inclusion efforts and ensuring that the relevant people within the organization or association are engaged. This should apply both at the national federation level and at the local association level.

See also the appendix with a guide to the process of developing a gender identity policy.

RENEW THE LANGUAGE AND ALLOW FOR A BROADER UNDERSTANDING

From the outside, sport is perceived as a highly binary system focused on men and women—a system that reinforces norms and promotes a specific personal profile. This makes it a difficult world to navigate for those who fall outside of traditional gender stereotypes. A strongly masculine and binary understanding of gender, for example, is very hard to reconcile with an inclusive culture that embraces transgender and intersex people.

Sports federations and sports clubs must be clear about which language usage promotes openness, and which language usage is not acceptable. This means that each club should reflect on and establish guidelines for what constitutes acceptable language within their environment. It is hardly a major task to agree that people should speak respectfully and appropriately to one another; the real task lies in being specific in the guidance and ensuring follow-up so that good intentions are actually put into practice. At tournaments and matches, organizers, referees, match officials and other staff must be trained in zero tolerance toward derogatory language. It is, however, more difficult for federations and clubs to enforce this during training sessions or in changing rooms, where parents, coaches or officials may not be present. In these cases, federations can support their clubs through awareness campaigns, as DBU has done¹¹.

See also the appendix with a guide to language use.

THE CHANGING ROOM

The changing room situation is a particularly sensitive issue for transgender, intersex and non-binary people in sport. This is because some transgender people experience discomfort with their bodies, uncertainty about their gender identity, concerns about how others will react, and/or fear of comments and remarks from others. The focus placed on bodies and gender in changing rooms therefore creates discomfort and anxiety for many transgender individuals in the changing room situation. Non-binary people also struggle to feel comfortable in changing rooms designated for either men or women, when no other options are available.

There is accordingly a need to offer alternatives to gendered changing rooms to make space for transgender people. Providing sports facilities is typically a municipal responsibility, which can make it difficult for a sports club located in a municipal venue to establish an additional changing room for trans people. In an ideal facility, there would be a gender-neutral changing room option to avoid excluding transgender, intersex or non-binary people due to unwanted

¹¹ <https://www.dbu.dk/nyheder/2021/august/mere-respekt-paa-banen-med-raab-paent/>

attention in the changing-room setting. Alternatively, multiple changing options could be offered within the same changing room.

If this is not feasible, a club can work with flexible solutions, such as dividing a changing room with partitions, curtains, etc. It is also important to provide clear information about the changing facilities and who has access to them, so there is no confusion or risk of uncomfortable situations. For DIF, the goal is to find pragmatic solutions tailored to each facility, based on the needs and considerations involved. Looking ahead, planning and construction should incorporate more inclusive considerations for changing room situations. Finally, it is relevant for clubs to engage in discussions about changing-room culture before and after training.

At the same time, many young people are uncomfortable showing their bodies and changing in front of others. This can raise concerns if sports clubs establish individual changing rooms, as there is a risk of reinforcing this tendency, potentially leading to even lower body confidence among thousands of young people (especially girls). Sports clubs play an important role in balancing these conflicting concerns, helping to normalize the changing room experience, and fostering understanding that bodies come in many forms.

Regarding separate toilet facilities, it may be worth considering whether gender-separated toilets are necessary (except where urinals are present). A unisex solution with a sign stating “toilet” can be inclusive for all, removing the need to make a choice and allowing transgender, intersex and non-binary people to use the restroom without being forced into an uncomfortable decision.

RECOMMENDATION 7: FAIR COMPETITION SHOULD BE PRIORITIZED IN WOMEN’S ELITE SPORT

In general, sport aims to prioritize inclusion and diversity. It is not the role of sport to limit people in identifying as the gender they choose or in living life in the way they find right. However, when transgender, intersex and non-binary people wish to compete at a high level against other women, it has an impact on sports competition, which is why there must be clear rules regarding who is eligible to participate.

It is in the spirit of sport that there are clear rules for participation—rules that everyone is aware of and must adhere to in order to compete. Again, reference can be made to the first recommendation in this report: that a position must be taken on the issue. Fair competition depends on the existence of completely clear and unambiguous requirements for what is needed to participate in a given sporting activity. These rules must also be communicated in advance in a clear and unequivocal format, so that all athletes have the opportunity to prepare and train according to the applicable guidelines. As described above, the dilemma is concentrated around which guidelines should apply to participation in women’s competitions, and at what level of elite competition they should be enforced.

INTERNATIONAL CONTEXT

Recommendations in this area are further complicated by the fact that DIF and the sports federations are not solely responsible for determining which rules may be established to maintain fair competition. The federations are bound by the regulations of the international federations with which they collaborate, and must follow these in order to participate internationally. These international rules cascade through all levels of the system, as winners of national matches and competitions—through leagues and tournaments—are often those selected to represent their country internationally.

In principle, a Danish sports federation could adopt an open and inclusive policy that results in a transgender woman or an intersex person being named Danish champion. However, that person would not be eligible to represent Denmark at an international championship if the international federation has adopted less inclusive participation rules. A Danish sports federation must therefore also consider the existing rules of the international federation and work politically to ensure that these align with Danish interests.

In November 2021, the International Olympic Committee (IOC) updated its guidelines on the inclusion of transgender and intersex people in sport¹². In its previous 2015 guidelines, the IOC emphasized that transgender women and intersex athletes had to lower their testosterone levels for at least one year prior to competition in order to participate. Before 2015, there was also a requirement that the athlete undergo gender-affirming surgery. In the new guidelines—which are not legally binding for the international federations—the IOC recommends that no athlete should be required to take medication to compete, and no athlete should be subjected to physical examinations to determine their gender. This marks a significant shift, as the IOC now assumes, as a starting point, that individuals with gender variations or different gender identities do not inherently possess a competitive advantage when competing against female, assigned female at birth athletes. As a result, the requirement to take testosterone-suppressing medication has been removed. The IOC further recommends that each federation determine its own rules for participation within each discipline.

Both the IOC and DIF are umbrella organizations, and a shared principle in their recommendations is that each sport should define its own participation rules. A one-size-fits-all approach is not appropriate given the diversity of sports, and a universal solution would therefore lack nuance. There is thus alignment in how the IOC and DIF approach these dilemmas. At the same time, DIF has also stated in this report what it believes to be the appropriate weighting of the issues. DIF stands ready to support all sports federations in the process and the work towards developing their own rules regarding transgender, intersex and non-binary people in sport.

WEIGHING DILEMMAS WITHIN WOMEN'S SPORT

Most sports have established women's divisions to give women the opportunity to compete on equal terms. It is well known that men perform approximately 10% better in "timed disciplines" such as athletics and swimming, while the differences between Olympic medallists within each gender in the same disciplines are typically less than 1%. In a physical contest between men and women, in most cases women will therefore lose. The creation of women's competitions is a way to recognize and protect women's right to engage in fair and unpredictable competitive sport.

However, being born with particular physiological traits is not cheating, and equality can never truly be achieved through artificial levelling. In sport, innate physiological advantages such as height, weight, heart size and arm length are accepted. Crucially, these differences are "within category". That is, elite sport involves natural selection in the pursuit of perfection and medals. A 42 kg woman standing 142 cm tall may struggle in basketball but could be among the world's best in gymnastics—Simone Biles being a prime example¹³. Similarly, swimmer Michael Phelps has a body built for swimming¹⁴. These two athletes are world-class "within their category" and also represent extremes that have been refined for optimal performance. Such physiological differences are accepted in sport when they occur within the same category. These are the differences that fascinate and are celebrated when competitions are held among the best athletes.

¹² <https://olympics.com/ioc/news/ioc-releases-framework-on-fairness-inclusion-and-non-discrimination-on-the-basis-of-gender-identity-and-sex-variations>

¹³ <https://www.wired.com/story/the-biomechanical-perfection-of-simone-biles-triple-double/>

¹⁴ <https://www.biography.com/news/michael-phelp-perfect-body-swimming>

The dilemmas surrounding transgender, intersex and non-binary people's access to women's sport are therefore centred on the increased inclusion of individuals who fall outside the category of women, assigned female at birth in competition. Is it acceptable to include a trans woman who, due to male developmental traits, retains a physiological advantage measurable through her greater strength and endurance? And how should we approach intersex athletes who are born with variations in sex characteristics that cannot be fully and/or clearly classified as typically male or female? What rules should govern their participation? Can we continue to require healthy and well-trained intersex athletes to undergo medical treatment in order to compete at a championship level? Are increased body dimensions—such as the average 10 cm height difference between men and women—not also a clear advantage in many disciplines? Taken together, do these factors amount to a disproportionate competitive advantage that predetermines the outcome of the competition? Additionally, injury risk in contact sports should be mentioned as a factor, when a woman (AFAB) competes against generally larger opponents who were born biologically male.

In a world where gender is no longer strictly binary—where fluid gender identities exist and more individuals undergo gender-affirming surgeries—a fundamental decision arises: should women (AFAB) still retain the right to fair competition against other women, assigned female at birth? Prioritizing inclusion may risk diminishing women's (AFAB) chances of winning, as some trans women and intersex people may possess physiological advantages. There is significant natural variation in testosterone levels among intersex women, as well as in their ability to metabolize testosterone. Therefore, it seems excessive to exclude all trans women and intersex people from competitions for women (AFAB), since some intersex individuals may have lower testosterone levels than the average woman (AFAB). Moreover, some intersex individuals may not describe their physical condition using the term "intersex" and may not relate to such terminology at all. In some cases, their intersex status may only become a topic of discussion when they reach elite sport and potentially face disqualification due to elevated testosterone levels.

DIF wishes to recognize the right of transgender and intersex people to participate in competitive sports. However, when the choice is between prioritizing the conditions of this group of athletes versus those of the larger group of women (AFAB), the interests of women (AFAB) should currently carry more weight in elite or high-level competition. This is both a matter of protecting the significantly larger group of women, assigned female at birth compared to trans women and intersex people, and of upholding the value-based principle of preserving women's opportunity to compete on equal terms.

It is, however, a delicate balancing act. In the future, there will likely be trans women who have transitioned before male puberty begins. These individuals do not possess the physiological advantages of men, assigned male at birth and therefore should not be excluded. Additionally, there is great variation within the "group" of intersex people. Some have no performance-enhancing variations in their sex characteristics, while others have lower testosterone levels than their assigned female/male at birth competitors.

For DIF, inclusion is not the highest priority when it comes to national and international elite competitions for women. Participating in a major international championship such as the European Championships, World Championships or the Olympics is not a right. In fact, elite sport is inherently exclusive, with only the most talented athletes gaining access. Therefore, it is not accurate to speak of excluding individuals with diverse gender identities simply by prioritizing fair competition for women, assigned female at birth in elite sport. Very few athletes reach this level at the right time, and the group risks becoming even smaller if women (AFAB) are competing against trans women and intersex people.

Furthermore, DIF is not aware of any scientific studies demonstrating that there are no physiological differences between transgender, intersex and non-binary people compared to biologically born women. This remains an area with relatively few studies, as the number of elite-level trans women, intersex and non-binary athletes is still quite

limited, making it difficult to examine in depth. DIF therefore assumes that the development of the male body confers a performance-enhancing advantage, which in competition against women means that women, assigned female at birth do not have an equal and fair chance to win. Preserving fair competition for women (AFAB) is thus the decisive factor behind DIF's recommendation in this area.

The IOC's new guidelines prioritize inclusion over fairness and place the burden of proof on those who claim that individuals with gender identity variations have an advantage. As outlined here, DIF prioritizes fair competition over inclusion in the context of women's (AFAB) competitions. This reflects a value-based difference in position between the IOC and DIF. However, the implications of this difference are limited, as both DIF and the IOC, as umbrella organizations, issue recommendations rather than binding rules for federations. Moreover, DIF will of course support inclusion if, within a given discipline, it can be scientifically substantiated that no competitive advantage exists. In such cases, inclusion would take precedence over fairness in DIF's approach.

For DIF, inclusion and fair competition are equally important, and both values are central to our work: enabling as many people as possible to participate in sport while ensuring fair and equal competition. In this particular case, it is difficult to uphold both values simultaneously, but DIF is founded on both principles and will work to offer alternatives where the values cannot be reconciled.

It is not DIF's assessment that there is currently a large group of trans women and intersex people seeking to compete in elite sport alongside women (AFAB). Nor is it realistic to expect that in Denmark, trans individuals would undergo gender-affirming procedures, medication and hormone treatment simply to gain a shortcut to better sporting results. People who experience a disconnect between their biological sex and their gender identity already live marginalized and vulnerable lives and are among the most at-risk individuals in society. For most trans people, the possibility of participating in an international elite sports competition is far from their primary concern. It is therefore a mistaken assumption to believe that individuals in Denmark would endure the challenges faced by trans people in life merely to win a medal. There is no evidence to support the idea that a transgender or intersex athlete will suddenly appear and "steal" a place or a championship from a woman (AFAB) who has trained for it her entire life.

DEFINITION OF ELITE

If a sports federation follows DIF's recommendation to prioritize fair competition over inclusion values, it raises the question of at what level of competition or elite sport participation should be subject to restrictive rules. Should this apply to regional championships? National championships? Should it begin at age 12, 15 or 18?

DIF recommends that each federation discuss and define what constitutes elite sport, to the extent that such a definition is not already embedded in its existing policies and strategies. Regardless of the sport, DIF advises that elite sport should only encompass individuals over the age of 12. Within the federation's definition of elite sport, the consideration for fair and safe competition must be weighed against an inclusive approach.

It is difficult for DIF to accommodate the nuances across the many different sports and their respective definitions of elite sport, and therefore to issue clear recommendations across all federations and disciplines. It would be overly simplistic and lacking in nuance for DIF to impose uniform definitions across disciplines. In some sports, it may be meaningful to maintain a highly inclusive approach well into the elite divisions/levels, while in others it may be more appropriate—for both women, assigned female at birth and transgender people—to introduce limitations at an earlier stage or age.

It is up to the individual federation to discuss this with its stakeholders and clubs, and DIF is happy to assist in translating the overarching recommendations into guidance tailored to each sport and discipline. What remains crucial is that there are clear rules for participation, so that everyone knows what applies and what to expect—ensuring that no one is excluded or included retroactively in a competition. For transgender, intersex and non-binary people, it is also important to have clarity on whether participation is possible if one is talented and skilled in their sport, or whether exclusion may occur at some point during the talent or elite development pathway.

As a general framework for defining elite sport, Anti Doping Denmark’s definitions of national elite are relevant¹⁵. If an athlete falls within these categories, it constitutes an elite level where, according to DIF’s guidance, there are compelling reasons to prioritize fair competition over inclusion. Conversely, if one does not fall within this elite definition, it would be more appropriate to prioritize inclusion (cf. Recommendations 4 and 5).

The difficult discussion lies, however, in the grey areas between the clearly high-level elite sport and broader recreational sport. For example, how should talent groups and sub-elite levels be positioned in this context? This requires individual consideration within each discipline, based on factors such as prevalence, number of athletes, relative international standing and other relevant aspects to reach a nuanced decision. Here, federations will need to be very precise about the participation criteria, including the basis for decisions, the criteria for inclusion, the options for appealing decisions, and who is responsible for resolving disputes.

TOKYO OLYMPICS AND INCLUSION

In elite sport, the premise is that it operates as a “zero-sum game”, meaning that there is only one gold medal awarded to the best female competitor(s) in the event. Since the difference between first and second place often comes down to fine margins, there is a need for clear, quantitative criteria to ensure that a competition is conducted fairly and safely.

At the recent Olympic Games in Tokyo in August 2021, the IOC’s guideline requiring a testosterone level below 10 nanomoles per litre of blood for at least one year prior to competition was in effect—unless international sports federations had adopted other eligibility criteria. This meant that (at least) three transgender and/or non-binary athletes had qualified legitimately. Canadian footballer Quinn became the first non-binary, transgender athlete to win Olympic gold, as the Canadian women’s football team took first place. New Zealand’s Laurel Hubbard competed in the 87 kg weightlifting category as a transgender athlete but did not place in the medal standings. Finally, Alana Smith, a non-binary skateboarder, competed in the women’s street event and finished 20th.

Additionally, two female runners from Namibia (Christine Mboma and Beatrice Masilingi) drew attention due to their naturally high testosterone levels. In 2018, World Athletics adopted stricter rules than the IOC’s then-current recommendations¹⁶, lowering the testosterone threshold for middle-distance runners (400 metres to 1 mile) to 5 nanomoles per litre of blood. As a result, the two women—whose preferred event is the 400 metres—were not eligible to compete in that discipline due to exceeding the testosterone limit. Instead, they entered the 200-metre event. In the Olympic final, 18-year-old Christine Mboma won silver in a world-record time for under-20 athletes. Beatrice Masilingi placed sixth. These performances have reignited debate within World Athletics about rules concerning disproportionate competitive advantages. Does the presumed significant physiological advantage only begin after

¹⁵ <https://www.antidoping.dk/love-og-regler/nationale-regler-for-antidoping>

¹⁶ <https://www.worldathletics.org/news/press-release/eligibility-regulations-for-female-classifica>

399 metres? Despite the IOC's updated guidelines from November 2021 and its removal of the testosterone requirement, World Athletics has maintained its existing regulations¹⁷.

The results from Tokyo have been cited as evidence that the inclusion of transgender athletes does not distort competition. Laurel Hubbard's performance, in particular, has been presented as proof that trans women do not possess a competitive advantage in elite sport. It is reasonable to assume that Hubbard was in peak condition and did everything possible to perform optimally. Given that she placed 12th, it has been argued that women's (AFAB) right to fair competition is not under threat.

However, these isolated results from Tokyo cannot form the basis for weighing the broader, fundamental dilemmas. What if the sporting outcomes had been even better—or worse? Would that have changed the fundamental decisions? Such determinations must be based on more robust, evidence-based research into the performance of trans athletes—not on results from the Tokyo 2020 Olympics.

THE WORK AHEAD

In Denmark, there have not yet been any known cases of a transgender, intersex or non-binary athlete whose sporting level qualified them for the Olympics. Consequently, DIF has not yet addressed the issue, as it has not been relevant. However, in line with this report's recommendation to take a position (cf. Recommendation 1), DIF will always pursue athletic potential and select any athlete who meets the applicable rules. If people qualify under the current regulations, they are, in principle, entitled to participate and will be selected for the Olympics.

PHYSIOLOGICAL INDICATOR

Looking ahead, it will be relevant for DIF to follow both the IOC and the international sports federations' work on guidelines and the research underpinning the rules for participation. A major task awaits the international sports federations: to discuss and clarify whether there may be a competitive imbalance when inclusion is prioritized over fair competition. Likewise, it is a future task for researchers to investigate whether there are parameters for individuals' physical performance that can be defined by a precise indicator—one that determines whether a person is appropriately 'female' or 'male.' According to the IOC, testosterone is no longer that marker, but the question remains: what other indicator could be used as decisive in a sporting context?

For example, could the way oxygen is processed in the blood be the key competitive advantage—and therefore a better marker than testosterone? One could also consider categorizing athletes based on their measured physical capabilities rather than their gender. In some sports, this might be striking power; in others, oxygen uptake; and in yet others, something entirely different. It is the responsibility of researchers and the international sports organizations to contribute to the research and decision-making foundation for how to ensure fair competition among all active athletes.

If a federation maintains testosterone level as a marker, it may be relevant in some sports to consider different levels. Additionally, considerations around testosterone intervals in specific competitions could help provide a more nuanced and inclusive pathway into sport.

¹⁷ <https://www.insidethegames.biz/articles/1115611/world-athletics-transgender-dsd-ioc>

INTERNATIONAL SPORTS POLICY

In international sports policy, where DIF's sports federations are represented by a number of volunteer sports leaders in international sports federations and their committees, the Danish voice must also reflect openness toward diverse gender identities. Each international federation must work to define where any potential competitive imbalance may exist within their sport. Danish sports policymakers should advocate for steering international sport in a more inclusive and tolerant direction.

SPORTS FEDERATIONS AND DIF'S WORK IN DENMARK

DIF will continue its efforts to support the sports federations in translating the recommendations of this report into active inclusion work and concrete rules for participation in their respective sports. DIF will maintain its role as a central knowledge organization within sport, so that each sports federation does not need to independently gather and distil expertise in this area. DIF will also continue its collaboration with members of the expert working group, who can assist Danish sport with guidance on medical, ethical and physiological matters, and more. It is DIF's goal that the dilemmas surrounding transgender, intersex and non-binary people in sport can be addressed in such a way that the values of inclusion and fair and safe competition do not conflict in the federations' implementation of the recommendations of this report. In cases where limitations on inclusion are maintained, positive alternatives must be developed, so that everyone can find a place within a sporting community.