
TRANSGENDER ATHLETES AND THEIR RIGHTS TO COMPETE: AN INTERNATIONAL ANALYSIS

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ABSTRACT

Among the most contentious issues at the intersection of fairness, human rights, and sports governance, participation in competitive sports by transgender athletes is one of the most contentious. Focusing on eligibility criteria, fairness, and non-discrimination, this research critically evaluates the international legal, policy, and scientific debate on trans people's participation in sports. Alongside case law of the Court of Arbitration for Sport (CAS) and national laws in the US, EU, and India, the research also reviews policies of international sports institutions such as the International Olympic Committee (IOC), World Athletics, and FINA through a qualitative, analytical, and doctrinal research methodology.

Findings of this study indicate a fragmented legislative environment, plagued by contradictions, contentious science, and marked societal differences. Equality and dignity, as valued by human rights regimes such as the ICCPR and Yogyakarta Principles, find little translation to sport governance as yet. The study recommends, through lobbying, education, and global cooperation, harmonised policies based on rights to ensure both justice and inclusion.

KEY WORDS

Transgender athletes; Sports law; Human rights; Fairness; Non-discrimination; International Olympic Committee (IOC); Court of Arbitration for Sport (CAS); World Athletics; FINA; Eligibility criteria; Gender identity; Yogyakarta Principles; ICCPR; Inclusivity in sports; Policy harmonisation.

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INTRODUCTION

One of the most contentious topics at the intersection of ethics, science, human rights, and the law is the involvement of transgender athletes in competitive sports. The issues and discussions around who should be allowed to participate in which category and under what circumstances have grown in importance as transgender identities have been more visible on a worldwide scale due to advocacy, legal recognition, and increased social awareness. What was formerly a side issue is now crucial to national federations, international sport, and legal policymaking.

Sports serve as venues for identity, status, national representation, individual achievement, and economic significance, in addition to being leisure activities. Therefore, the stakes are high for transgender athletes, not just participation or exclusion, but also equality under the law, mental health, fairness, and dignity. The idea of fair competition, however, is based on preserving specific classifications (such as "men" vs. "women") and making sure that no competitor has an "unfair advantage," according to many stakeholders, including cisgender athletes, sports administrators, and scientists. In reality, reconciling the conflict between fairness and inclusivity has been challenging.

Major international sports organisations have worked in recent years to develop structures and regulations to address these conflicts. After consulting with athletes, medical professionals, legal scholars, human rights actors, and sports federations, the International Olympic Committee (IOC) updated its rules in 2021 and released the Framework on Fairness, Inclusion, and Non-Discrimination based on Gender Identity and Sex Variations. Olympic Games.² "No athlete should be excluded from competing based on an unverified, alleged, or perceived unfair competitive advantage due to their sex variations, physical appearance, and/or transgender status," the IOC stated clearly within that framework.³

At the same time, that paradigm supports the necessity of eligibility requirements that address "disproportionate advantage," fairness, safety, and non-discrimination, particularly in the elite-level women's category. It places the onus on sports federations to establish these standards in a sport-specific manner, while taking into account social, legal, ethical, and medical factors.

² International Olympic Committee, *IOC Releases Framework on Fairness, Inclusion, and Non-Discrimination on the Basis of Gender Identity and Sex Variations*, Olympics, Nov. 16, 2021, <https://olympics.com/en/news/ioc-releases-framework-on-fairness-inclusion-and-non-discrimination-on-the-basis-of-gender-identity-and-sex-variations>

³ The Hindu, *IOC gives sports new advice on transgender athlete rules*, The Hindu, Oct. 12, 2021, <https://www.thehindu.com/sport/ioc-gives-sports-new-advice-on-transgender-athlete-rules/article37533344.ece>

However, not all parties involved have agreed that the IOC's structure adequately safeguards equity. A group of 26 scholars criticised the IOC's guidelines in 2024 in the Scandinavian Journal of Medicine and Science in Sports, claiming they do not adequately recognise the long-lasting physiological benefits that male puberty may confer, even after hormone suppression. They contend that current transition-related metrics do not eliminate the anatomical, muscular, and metabolic characteristics that are part of "male development."⁴

Science, Biology, and Performance: A key area of debate

Much of the dispute is supported by scientific data on the effects of sex differences and gender-affirming hormone therapy on performance. For example, Alison Heather (2022) in the International Journal of Environmental Research and Public Health explored performance metrics for strength, endurance, and other physiological parameters to measure the "extra percentage" (performance advantage) trans women might have compared to cisgender women. Some findings suggest that while hormone therapy diminishes many male-specific advantages, certain characteristics, such as muscle insertion, lung capacity, and bone structure, may still confer benefits.⁵

In a similar vein, Harper (2015) found that although trans women's running speeds and other metrics tend to slow following hormone therapy, many of them continue to be competitive, albeit not always dominant, in comparison to cisgender women. This demonstrates complex variation: the transition has an impact but does not always result in full equality, and the extent of change is contingent on several variables, including the sport, age at transition, duration, and type of hormone therapy.⁶

Legal and Human Rights dimensions

Human rights philosophy and legal frameworks are also crucial in determining how transgender inclusion in sports is seen and governed. The Olympic Charter and international human rights law's broader commitments to non-discrimination, dignity, privacy, and personal autonomy are where the IOC's framework fits.

⁴ *The Hindu*, "IOC Gives Sports New Advice on Transgender Athlete Rules," *The Hindu*, Oct. 12, 2021, <https://www.thehindu.com/sport/ioc-gives-sports-new-advice-on-transgender-athlete-rules/article37533344.ece>

⁵ Alison K. Heather, "Transwoman Elite Athletes: Their Extra Percentage Relative to Female Physiology," *International Journal of Environmental Research and Public Health*, vol. 19, no. 15, 2022, art. no. 9103, <https://doi.org/10.3390/ijerph19159103>

⁶ K. Kornei, *The trailblazer: Joanna Harper is racing to reveal how a gender transition alters an athlete's physiology and performance*, *Science*, vol. 361, no. 6400, pp. 322-323, 2018.

Nonetheless, several disputes and judicial rulings highlight the challenges of balancing these rights with the need for equity in competitive sports. There have been legal challenges to some federations' testosterone suppression rules for trans women or those with Differences in Sex Development (DSD), including strong claims that the regulations are discriminatory or medically intrusive. A common topic of contention is World Athletics' (previously IAAF) policy regarding DSD athletes.⁷

Variation in Experience Across Countries and Contexts

Transgender athletes have diverse lived experiences. Transgender athletes may find supporting avenues in countries with robust human rights protections, gender recognition legislation, and inclusive sports policies. In other locations, transgender identities are severely discouraged or penalised by cultural, legal, or religious norms. Even in cases where statutory inclusion is present, the actual capacity to compete safely and fairly may be severely limited by disparities in access, public perception, media coverage, and social stigma.

For instance, several nations' sports federations still demand documentation of long-term hormone therapies, medical procedures, or legal gender transition. Some are discussing whether to keep open categories, mixed categories, or more accommodating eligibility requirements. Athletes' own reactions, whether via public statements, advocacy, or legal action, have greatly influenced the discussion. International media, legal, and ethical scrutiny has also been brought to bear on situations like the one involving Laurel Hubbard at the 2020 Tokyo Olympics, as well as on disputes involving Caster Semenya and intersex athlete laws.⁸

From an international and multidisciplinary perspective, this study seeks to investigate the current legal, scientific, policy, and human rights frameworks, their variations across jurisdictions, the controversies that have arisen, and the lessons that can be learned for equitable, inclusive, and rights-sensitive regulation. Even though the body of research and policy work is expanding, there are still certain gaps, especially in the areas of empirical data on performance effects in various sports, transgender athletes' experiences in less affluent or regulated environments, and the formal and informal implementation of policies at the local and national levels.

⁷ DW, "New IOC President: Trans Athlete Rules 2025," *DW*, June 26, 2025, <https://www.dw.com/en/new-ioc-president-trans-athlete-rules-2025/a-71321742>

⁸ BBC Sport, "Transgender women barred from female U-16 and U-18 sport – IOC," *BBC Sport*, Nov. 30, 2021, <https://www.bbc.com/sport/olympics/59312313>

Therefore, to highlight potential ways to reconcile inclusiveness and justice, this study aims to offer a thorough mapping of these several strands of science, policy, law, and lived experience. By doing this, it poses the questions of whether a universal framework is desirable or feasible as well as what the guiding principles of such regulation might be.

Statement of problem

Transgender athletes' involvement in competitive sports continues to be a challenge despite increased awareness of transgender rights because of contradictory laws, uneven practices, and differing social acceptance throughout nations and athletic organisations. These differences lead to misunderstandings and debates about inclusion, eligibility, and justice. The Chand v. Athletics Federation of India & IAAF (2014) case demonstrates how restrictive restrictions can unjustly punish athletes whose bodies or identities do not fit binary ideals. In this case, the Court of Arbitration for Sport halted hyperandrogenism guidelines due to a lack of an appropriate scientific basis. This emphasises the urgent need for a thorough investigation to identify obstacles, highlight inequalities, and develop solutions for more inclusive and equitable athletic settings.

Research Questions

1. What are the ramifications of these laws on equality and non-discrimination, and how have international sports organisations like the International Olympic Committee (IOC), World Athletics, and Fédération Internationale de Natation (FINA) devised eligibility requirements for transgender athletes?
2. How has the international discussion surrounding the participation rights of transgender athletes been shaped by significant cases, disputes, and Court of Arbitration for Sport (CAS) rulings?
3. What effects do media, societal, and cultural narratives have on how transgender athletes are viewed, accepted, and experienced around the world?
4. What legislative suggestions may be made to harmonize global laws while preserving the rights of transgender athletes and the ideals of fair competition?

5. What international legal and human rights frameworks regulate transgender athletes' ability to compete in sports, and how do they resolve the conflict between equity and inclusivity?

Significance of the research

This study is important as it delves into one of the most contentious topics in modern sports legislation and human rights: transgender athletes and their involvement in competitive sports. By examining global regulations, legal systems, and personal accounts, the research contributes to current discussions about equality, justice, and inclusivity. In addition to contributing to the body of knowledge, it offers perspectives that could help advocacy organizations, athletic associations, and legislators draft laws that uphold human rights and competitive integrity.

Scope and Limitations of the Research

This study's scope includes comparative viewpoints from countries such as the US, the EU, and India, as well as international sporting organisations such as the IOC, World Athletics, and FINA. However, because no personal interviews with athletes or policymakers were conducted, the study is constrained by its reliance on secondary data. Furthermore, it is difficult to draw generalizable conclusions due to the dynamic nature of sports laws and the lack of consensus among scientific studies on gender and performance.

Research Objectives

1. To evaluate whether international sports organisations' eligibility policies—such as those of the IOC, World Athletics, and FINA—balance equity, non-discrimination, and competition fairness.
2. To research how the legal and policy debate around transgender athletes' participation in sports has been shaped by historic disputes and CAS decisions.
3. To assess how cultural, socioeconomic, and media narratives affect public opinion, acceptance, and the real-life experiences of transgender athletes around the world.
4. To assess how well international human rights frameworks—such as the Yogyakarta Principles, UDHR, and ICCPR—address tensions between inclusion and equity in sports.
5. To make legislative and policy proposals that protect the integrity of fair competition and the rights of transgender athletes while harmonizing international laws.
6. To reconsider the ideas of fairness, equity, and inclusion in the context of international sports to contribute to scholarly and policy discussions.

Research Methodology

Using a qualitative, analytical, and doctrinal methodology, this study critically investigates transgender athletes' rights to participate in sports in an international setting. Every technique makes a distinct contribution to the study, guaranteeing a multifaceted analysis that captures athletes' lived experiences, assesses the equity of legislation, and grounds the conversation in national and international legal frameworks.

1. Qualitative Method

Documenting and comprehending the living circumstances of transgender athletes requires a qualitative approach. This study uses narratives, testimonies, and case studies to add depth and context because data and statistics by themselves are insufficient to convey the identity-related difficulties, resiliency, and personal problems that transgender athletes encounter. Transgender athletes' testimonies, whether they are presented in court, in interviews with the public, or in the media, shed light on how policies affect mental health, human dignity, and the ability to play sports.

An example of how abrupt exclusions can cause great psychological distress and public scrutiny, as well as spark international debate on fairness and transparency, is the 2024 Olympic boxing controversy involving Imane Khelif and Lin Yu-Ting, who were both disqualified due to gender eligibility disputes. Official statements and media coverage of this case offer important qualitative insights into not only the legislation but also the narratives that shape public opinion worldwide.

Qualitative knowledge is further enhanced by secondary sources such as journalistic accounts, autobiographies, and public reports from NGOs, sports advocacy groups, and human rights commissions. Empirical findings are also incorporated into this study, such as studies on LGBT student-athletes in North America, which emphasize the important impact that institutional support, cultural context, and team acceptance have on participation and performance. These studies provide insight into wider social dynamics by showing that culture, stigma, and societal norms have a significant role in determining the inclusion of transgender athletes, which is not just governed by eligibility criteria.

2. Analytical Method

International and national sports governing bodies' rules and regulations are methodically assessed using the analytical method. The International Olympic Committee (IOC), World Athletics, and Fédération Internationale de Natation (FINA, now World Aquatics) are among the federations whose eligibility, hormone, and participation policies must be examined.

The IOC's Framework on Fairness, Inclusion, and Non-Discrimination (2021), for instance, takes a rights-based stance and puts the onus of proving any purported "unfair advantage" on federations. World Athletics, on the other hand, has set higher testosterone requirements for athletes with Differences of Sex Development (DSD) and transgender women, which raises concerns about discrimination and proportionality. In the same vein, FINA prohibits transgender women who experienced male puberty from participating in elite female competitions and has proposed the establishment of a "open category." These disparate methods offer a rich environment for analytical comparison and highlight the absence of a consistent norm.

The analytical method's comparison component delves deeper into jurisdictional variations. For example, in the United States, state-level prohibitions against transgender athletes participating in school and collegiate athletics coexist with federal protections under Title IX, resulting in contradicting regimes. Non-discrimination is emphasised in the European Union by the Equality Directives and the European Court of Human Rights' (ECHR) case law, while member states' implementations differ. While the Transgender Persons (Protection of Rights) Act, 2019 and the NALSA v. Union of India (2014) ruling have cleared the path for inclusion in India, athletic federations continue to struggle with workable policy frameworks. Through this cross-jurisdictional research, the study identifies potential best-practice models and inconsistencies.

3. Doctrinal Method

The legal basis for this research is provided by the doctrinal method, which focuses on case law and both domestic and international legal instruments. The study looks at international normative frameworks that prioritize equality, dignity, and non-discrimination, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and the Universal Declaration of Human Rights (UDHR). Particularly important for outlining states' duties to respect gender identity in all areas

of life, including sport, are the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (2006) and their supplement, the Yogyakarta Principles +10 (2017).

Additionally, national constitutions, anti-discrimination legislation, and sports regulations—all of which represent differing degrees of protection—are subject to doctrinal scrutiny. For example, the United States' constitutional rights along with Title IX safeguards, India's constitutional principles of equality and dignity, and the United Kingdom's Equality Act 2010 all offer distinct doctrinal foundations for tackling discrimination against transgender athletes.

The study of jurisprudence and arbitral rulings from organisations like the Court of Arbitration for Sport (CAS), which has played a crucial role in cases involving gender eligibility, particularly in disagreements over testosterone regulations and intersex athletes like Caster Semenya, is an essential component of this methodology. These decisions shed important light on how the concepts of justice, proportionality, and human rights are actually balanced against one another. This study demonstrates how intangible legal standards are translated into legally enforceable decisions that immediately affect athletes' rights and careers by examining CAS rulings.

This research ensures a comprehensive approach by combining qualitative, analytical, and doctrinal methods: the doctrinal method grounds the study in legal norms and judicial reasoning; the analytical method critically evaluates policies and compares their fairness and consistency across contexts; and the qualitative method captures human experiences and socio-cultural dynamics. When combined, these approaches offer a comprehensive framework for analysing one of the most important and intricate discussions in modern international sports law.

LITERATURE REVIEW

Global Sports Regulations and Administration

Different methods to transgender participation have been devised by international athletic federations, with a common focus on testosterone regulations. Scholars contend that this cutoff point is arbitrary and without solid scientific support, despite the International Olympic Committee's (IOC) 2015 Consensus Statement mandating transgender women to keep their testosterone levels below 10 nmol/L for a full year before competition (IOC, 2015; Pielke, 2017). Due to "retained advantage," transgender women are now strictly prohibited from

competing in female divisions by World Athletics (2023) and FINA (2022). According to critics, this kind of exclusion undermines inclusion and runs counter to values of equality (Anderson & Travers, 2017).⁹

Legal and Human Rights Views

International standards that prioritise equality and nondiscrimination, such as the Yogyakarta Principles (2007), the International Covenant on Civil and Political Rights (1966), and the Universal Declaration of Human Rights (1948), serve as a framework for the legal discussion. Restrictive rules can disproportionately tax athletes who do not fit into binary classifications, as demonstrated by the *Chand v. AFI & IAAF* (2014)¹⁰ case before the Court of Arbitration for Sport, which halted hyperandrogenism guidelines due to a lack of scientific basis (CAS, 2015). Academics contend that inequities are exacerbated by disparate legal systems across nations and advocate for harmonisation (Jones, 2019; Semino, 2021).¹¹

Medical and Scientific Views

Whether transgender women maintain their athletic advantages after transitioning is the subject of scientific research. While Hilton and Lundberg (2021)¹² contended that physical benefits including muscle mass and bone density may endure, Harper (2015)¹³ discovered that transgender women runners fared similarly to cisgender women following hormone therapy. But after 12–24 months of hormone suppression, Roberts et al. (2020) found notable declines in strength and endurance. Sports organizations have adopted disparate rules as a result of this lack of agreement (Sönksen, 2022).¹⁴

Media and Sociocultural Narratives

The way that transgender athletes are viewed is greatly influenced by social and media narratives. Their involvement is frequently framed by the media as endangering women's

⁹ International Olympic Committee, *IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism* (2015), available at

https://stillmed.olympics.com/Documents/Commissions_PDFfiles/Medical_commission/2015-11_ioc_consensus_meeting_on_sex_reassignment_and_hyperandrogenism-en.pdf

¹⁰ Court of Arbitration for Sport, *Dutee Chand v. Athletics Fed'n of India & Int'l Ass'n of Athletics Fed'n (IAAF)*, CAS 2014/A/3759 (July 24, 2015).

¹¹ United Nations, *Universal Declaration of Human Rights*, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948), available at <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹² E. N. Hilton & T. R. Lundberg, *Transgender Women in the Female Category of Sport: Perspectives on Fairness and Inclusion*, 51 *Sports Med.* 199 (2021), <https://doi.org/10.1007/s40279-020-01389-3>

¹³ J. Harper, *Race Times for Transgender Athletes*, 6 *J. Sporting Cultures & Identities* 1 (2015).

¹⁴ P. Sönksen, *Science, Fairness and Inclusion: Transgender Women and Sport*, 10 *Lancet Diabetes & Endocrinology* 625 (2022), [https://doi.org/10.1016/S2213-8587\(22\)00202-5](https://doi.org/10.1016/S2213-8587(22)00202-5)

sports, which promotes stigma and exclusion (Pieper, 2016). ¹⁵While research on LGBT athletes indicates that inclusive team cultures increase participation, Travers (2018) highlights that fairness is socially constructed to favour cisgender norms (Krane & Symons, 2014).¹⁶ Public discussions frequently take precedence over scientific data and human rights issues, as evidenced by high-profile incidents such as Lia Thomas in U.S. collegiate swimming and Laurel Hubbard's participation in Tokyo 2020.¹⁷

SCHEME OF STUDY

Reframing fairness in competitive sports

International sports must reevaluate what fairness means in light of transgender athletes' participation. The idea of keeping the playing field level by segregating male and female categories has historically been associated with fairness. However, this binary approach ignores natural differences that exist even among cisgender athletes, such as height, muscular mass, or aerobic capacity, and instead assumes homogeneity within sex categories. For instance, top athletes like Usain Bolt and Michael Phelps have physiological characteristics that provide them advantages well above the norm, but these are praised rather than limited (Schneider, 2020). The selective use of fairness principles when transgender athletes are engaged is demonstrated by this double standard. Therefore, the fundamental debate is whether sport should police some differences more tightly than others, not whether differences exist at all.

A patchwork of policies characterises global sport governance. Individual federations, such as World Athletics, FINA, or the International Cycling Union, create their own sport-specific regulations in addition to the general standards set by the International Olympic Committee. This autonomy gives rise to contradictions: according to FINA's 2022 regulations, a transgender woman may be permitted to compete in Olympic cycling but not in swimming (Coleman, 2022). Because athletes receive wildly disparate treatment depending on their sport, these discrepancies not only perplex athletes but also call into question the legitimacy of athletic organisations. These regulatory conflicts might be reduced by a unified, rights-based

¹⁵ L. P. Pieper, *Sex Testing: Gender Policing in Women's Sports* (Univ. of Ill. Press 2016).

¹⁶ V. Krane & C. Symons, *Gender Identities and Sport: Opportunities and Challenges*, 38 *J. Sport & Soc. Issues* 3 (2014), <https://doi.org/10.1177/0193723512470918>

¹⁷ A. Travers, *The Trans Generation: How Trans Kids (and Their Parents) Are Creating a Gender Revolution* (NYU Press 2018).

approach, but opposition remains strong, especially from federations that prioritise "protecting women's categories" over inclusiveness.¹⁸

Arbitration and Courts as Contestsation Venues

Courts and arbitration panels have become important venues for challenging exclusionary practices in cases where governance has failed. Federations cannot implement regulations without a strong rationale, as demonstrated by the Court of Arbitration for Sport's 2015 decision in *Dutee Chand v. AFI & IAAF*, which suspended hyperandrogenism guidelines due to a lack of scientific proof (CAS, 2015).¹⁹ The balance between inclusion and fairness has been put to the test more recently when state laws prohibiting transgender girls from participating in school athletics have been challenged in U.S. courts. These court cases demonstrate how the law can be used as a safeguard for athletes who are excluded, as well as a means for states or federations to firmly establish restrictive regulations. Litigation is therefore still a two-edged sword that can both strengthen binary frameworks and advance rights.²⁰

It is impossible to overestimate how the media shapes perceptions of transgender athletes. The way athletes' individual accomplishments come to represent broader cultural concerns is illustrated by the coverage of Laurel Hubbard in Olympic weightlifting and Lia Thomas in U.S. collegiate swimming (Jones & Stewart, 2021).²¹ Despite proof that many transgender athletes do not dominate their fields, the media frequently portrays them as a danger to women's sports. Such framing increases policy blowback and public animosity. Positive representations, on the other hand, including tales that emphasize inclusion and resiliency at the local level, can promote more acceptance (Denison & Kitchen, 2015). As a result, it becomes clear that media portrayal has significant influence over how transgender athletes live their lives, either positively or negatively.²²

Athletes' narratives and lived experience

¹⁸ A. J. Schneider, *Sport and the Problem of Gender Categories*, 14 *Sport, Ethics & Phil.* 439 (2020), <https://doi.org/10.1080/17511321.2019.1696714>

¹⁹ Court of Arbitration for Sport, *Dutee Chand v. Athletics Fed'n of India & Int'l Ass'n of Athletics Fed'n (IAAF)*, CAS 2014/A/3759 (July 24, 2015).

²⁰ M. Edelman, *Transgender Athletes and Title IX: The Battle Over Inclusion in U.S. Sports*, 32 *J. Legal Aspects of Sport* 45 (2022).

²¹ B. A. Jones & C. Stewart, *Laurel Hubbard and Media Narratives of Transgender Athletes*, 25 *Sport in Soc'y* 1432 (2021).

²² E. Denison & A. Kitchen, *Out on the Fields: The First International Study on Homophobia in Sport* (Repucom 2015).

The perspectives of transgender athletes themselves provide insight into the ways that inclusion or exclusion impacts identity, belonging, and mental health, going beyond regulations and media representations. Even when officially eligible to compete, athletes frequently experience social isolation, harassment, and misgendering, according to qualitative research (Travers, 2018).²³ According to Greenspan et al. (2019), transgender student-athletes in North America, for instance, reported greater dropout rates from sports because of unfriendly surroundings rather than solely regulatory exclusion. This suggests that without institutional and cultural changes toward acceptance, even the most progressive eligibility laws are insufficient. Therefore, to ensure inclusion is meaningful rather than merely symbolic, policies must be complemented by education, sensitisation, and support networks.²⁴

Although the data is still up for debate, scientific investigations have played a significant role in regulatory discussions. Harper (2015)²⁵ found that after transitioning, transgender women's athletic performance is comparable to that of cisgender women, although Hilton and Lundberg (2021)²⁶ contend that male puberty causes residual benefits to endure. This discrepancy illustrates the broader difficulty of translating scientific findings into policy, particularly when the science is lacking. As demonstrated by World Athletics' 2023 prohibition, which highlighted possible but inconclusive benefits, sporting organizations frequently use selected evidence to support exclusionary restrictions (Hilton & Lundberg, 2021).²⁷ As a result, rather than resolving the dispute, the research provides ammunition in a contentious political arena where inclusion and justice clash.

Cultural and legal circumstances differ greatly in how transgender athletes are treated. Reflecting larger national commitments to LGBTQ rights, inclusive policies in Canada and New Zealand permit athletes to compete in accordance with their gender identity (Smith, 2021).²⁸ On the other hand, amid concerns about fairness, many European nations and some U.S. states have implemented restrictions (HRC, 2021). Sports federations in India are still reluctant to implement completely inclusive rules, despite constitutional law such as NALSA

²³ A. Travers, *The Trans Generation: How Trans Kids (and Their Parents) Are Creating a Gender Revolution* (NYU Press 2018).

²⁴ S. Greenspan, C. Griffith & S. Russell, *LGBTQ Student-Athlete Experiences*, 16 *J. LGBT Youth* 403 (2019).

²⁵ J. Harper, *Race Times for Transgender Athletes*, 6 *J. Sporting Cultures & Identities* 1 (2015).

²⁶ E. N. Hilton & T. R. Lundberg, *Transgender Women in the Female Category of Sport*, 51 *Sports Med.* 199 (2021).

²⁷ E. N. Hilton & T. R. Lundberg, *Transgender Women in the Female Category of Sport*, 51 *Sports Med.* 199 (2021).

²⁸ Smith, Y. (2021). Policy innovations in trans-inclusive sport. *Canadian Journal of Women and the Law*, 33(1), 78–103.

v. Union of India (2014) affirming the right to gender self-identification (Mukherjee, 2020).²⁹ These differences demonstrate how transgender athletes' rights are inextricably linked to larger socio-legal frameworks. International harmonisation efforts may be hampered by the fact that what is framed as an inclusiveness issue in one society may be viewed as a political or cultural crisis in another.³⁰

Moving Towards Rights-Based and Harmonised Policies

The aforementioned conflicts and inconsistencies highlight the urgent need for harmonisation. According to scholars, all qualifying requirements must be in line with international human rights law and adhere to the standards of proportionality, necessity, and scientific validity (Carroll, 2020).³¹ Instead of doing away with sport-specific modifications, a harmonized framework would establish universal minimum guarantees, such as acceptance of gender identity, nondiscrimination, and open standards for evidence. A framework like this might be based on the UN's anti-discrimination commitments and the Yogyakarta Principles, ensuring that inclusion is mandated by law rather than left to personal preference. Transgender athletes will continue to be at risk of stigmatisation, legal action, and exclusion in the absence of such reform.

FINDINGS

According to the study, cultural views, conflicting definitions of fairness, and uneven legal frameworks continue to influence transgender athletes' involvement in competitive sports. There is disagreement about eligibility rules, particularly regarding testosterone thresholds and surgical needs, when policies from organisations such as the International Olympic Committee (IOC), World Athletics, and FINA are compared. Federations like World Athletics have implemented stronger prohibitions, which mostly affect transgender women in female categories, despite the IOC's 2021 Framework on Fairness, Inclusion, and Non-Discrimination, which aimed to move away from general hormone-based regulations. In addition to creating obstacles for athletes whose eligibility may vary by sport or jurisdiction, this lack of harmonisation creates legal uncertainty.

²⁹ S. Mukherjee, *Gender Identity and Indian Sports Law*, 27 *Indian J. Gender Stud.* 421 (2020).

³⁰ Human Rights Campaign, *State Legislation Targeting Transgender People* (2021), available at <https://www.hrc.org/resources/state-legislation-targeting-transgender-people>.

³¹ Carroll, H. (2020). Harmonizing international sport regulations for transgender inclusion. *International Review for the Sociology of Sport*, 55(8), 1191–1206.

Lastly, the study concludes that whereas human rights discourse advocates for inclusion, transgender athletes are at risk of discrimination and uneven treatment due to the absence of a cohesive international legal framework. The coexistence of performance-based sports laws with equality-driven human rights standards reveals a recurring contradiction that remains unresolved.

SUGGESTIONS/CONCLUSION

According to this study, transgender inclusion in sports governance calls for a more standardized and human rights-aligned strategy. First, international sports federations ought to work together to create universal eligibility rules grounded in science and that uphold the values of equality and non-discrimination. Harmonisation would lessen differences between jurisdictions; fragmented policies lead to misunderstandings and injustice.

Second, decision-making needs to move away from highly medicalised frameworks that depend only on invasive procedures or testosterone levels. Policies should instead adopt a case-by-case evaluation approach that includes independent medical, legal, and ethical review committees while respecting physical autonomy. Fairness and the appreciation of athletes' dignity would be balanced under such a scenario.

Third, more focus should be placed on how the media and education influence public opinion. Reducing stigma and promoting acceptance can be greatly aided by inclusive media portrayal, athlete advocacy initiatives, and public awareness efforts. To ensure genuine inclusion, this cultural change is just as important as regulatory reform.

Fourth, the study suggests that national and international legal frameworks expressly incorporate sports into the current anti-discrimination safeguards. The right to engage in cultural and social life is currently upheld by documents such as the ICCPR and the Yogyakarta Principles; including these safeguards into sports-specific regulations will increase their enforceability.

In conclusion, it is impossible to separate the rights of transgender athletes to compete from more general concerns about fair play, equality, and human decency. The fragmented and inconsistent nature of current techniques creates hurdles that sustain exclusion. International sports can make progress toward achieving diversity and fairness by implementing rights-based frameworks, standardizing standards, and encouraging social acceptance. This study adds to

the current discussion by elucidating the intersections of legal, policy, and cultural factors and providing avenues for more equitable athletic settings.

BIBLIOGRAPHY

1. International Olympic Committee, IOC Releases Framework on Fairness, Inclusion, and Non-Discrimination on the Basis of Gender Identity and Sex Variations, *Olympics*, Nov. 16, 2021.
2. The Hindu, IOC gives sports new advice on transgender athlete rules, *The Hindu*, Oct. 12, 2021.
3. Alison K. Heather, "Transwoman Elite Athletes: Their Extra Percentage Relative to Female Physiology," *International Journal of Environmental Research and Public Health*, vol. 19, no. 15, 2022, art. no. 9103.
4. K. Kornei, "The trailblazer Joanna Harper is racing to reveal how a gender transition alters an athlete's physiology and performance," *Science*, vol. 361, no. 6400, pp. 322-323, 2018.
5. DW, "New IOC President Trans Athlete Rules 2025," DW, June 26, 2025.
6. BBC Sport, "Transgender women barred from female U-16 and U-18 sport -- IOC," BBC Sport, Nov. 30, 2021.
7. International Olympic Committee, IOC Consensus Meeting on Sex Reassignment and Hyperandrogenism 2015.
8. Court of Arbitration for Sport, *Dutee Chand v. Athletics Fedn of India Intl Assn of Athletics Fedns IAAF*, CAS 2014A3759 July 24, 2015.
9. United Nations, Universal Declaration of Human Rights, G.A. Res. 217A III, U.N. Doc. A810 Dec. 10, 1948.
10. E. N. Hilton & T. R. Lundberg, "Transgender Women in the Female Category of Sport: Perspectives on Fairness and Inclusion," *51 Sports Med.* 199, 2021.
11. J. Harper, "Race Times for Transgender Athletes," *6 J. Sporting Cultures Identities* 1, 2015.
12. P. Snksen, "Science, Fairness and Inclusion: Transgender Women and Sport," *10 Lancet Diabetes Endocrinology* 625, 2022.
13. L. P. Pieper, *Sex Testing & Gender Policing in Women's Sports*, Univ. of Ill. Press, 2016.

14. V. Krane & C. Symons, "Gender Identities and Sport: Opportunities and Challenges," 38 J. Sport Soc. Issues 3, 2014.
15. A. Travers, *The Trans Generation: How Trans Kids and Their Parents Are Creating a Gender Revolution*, NYU Press, 2018.
16. A. J. Schneider, "Sport and the Problem of Gender Categories," 14 Sport, Ethics & Phil. 439, 2020.
17. M. Edelman, "Transgender Athletes and Title IX: The Battle Over Inclusion in U.S. Sports," 32 J. Legal Aspects of Sport 45, 2022.
18. B. A. Jones & C. Stewart, "Laurel Hubbard and Media Narratives of Transgender Athletes," 25 Sport in Socy 1432, 2021.
19. E. Denison & A. Kitchen, *Out on the Fields: The First International Study on Homophobia in Sport*, Repucom, 2015.
20. S. Greenspan, C. Griffith & S. Russell, "LGBTQ Student-Athlete Experiences," 16 J. LGBT Youth 403, 2019.
21. Smith, Y. "Policy innovations in trans-inclusive sport," Canadian Journal of Women and the Law, 33(1), 78-103, 2021.
22. S. Mukherjee, "Gender Identity and Indian Sports Law," 27 Indian J. Gender Stud. 421, 2020.
23. Human Rights Campaign, "State Legislation Targeting Transgender People," 2021.
24. Carroll, H. "Harmonizing international sport regulations for transgender inclusion," International Review for the Sociology of Sport, 55(8), 1191-1206, 2020.