

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Working Group on discrimination against women and girls

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21 July 2026

Excellency,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur in the field of cultural rights; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 53/3, 55/5, 60/10, 59/5 and 59/14.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 59 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to your attention serious concerns we have regarding the *Policy on the protection of the Female (Women's) category in Olympic Sport and Guiding Considerations for International Federations and Sports Governing Bodies*, adopted by the IOC Executive Board on 26 March 2026, and the manner in which it will be implemented.

International Olympic Committee

We recall that a [joint statement](#) expressing similar concerns was published on 25 February 2026, prior to the adoption of the policy. We regret that the concerns raised in this statement were not taken on board by the IOC.

General observations about the policy

The new policy is adopted as a review and a replacement of the 2021 International Olympic Committee's (IOC) *Framework on Fairness, Inclusion and Non-discrimination on the Basis of Gender Identity and Sex Variations*, which provided guidance for International Federations to develop sport-specific eligibility criteria for the female (women's) category.

The 2021 Framework's emphasis on sport-specific assessment, proportionality, transparency, evidence base and non-discrimination was reflecting established human rights standards and acknowledged the limits of current scientific knowledge. It appropriately cautioned against categorical assumptions of advantage and affirmed that exclusionary measures required a particularly high threshold of justification. The 2021 Framework already allowed for eligibility criteria to exclude some women athletes to prevent unfair and disproportionate advantage and to prevent risks to the physical safety of other athletes, but to ensure proportionality, it rightly required rules to be grounded in robust and peer-reviewed evidence relevant for the specific sport, discipline and event that was regulated, and avoided unnecessary blanket exclusions. It served as an important normative reference for similar frameworks related to sport and human rights.

The 2026 Policy departed from this approach and instead proceeded from the assumption that "biological males" possess performance advantages in all sports and events involving strength, power and/or endurance, while "biological females" experience relative performance disadvantages associated with female anatomy and physiology and that the strength and power differential between them increases safety risks to them in all contact sports.

The communication does not question that humans are broadly considered a sexually dimorphic species or that biological sex may be relevant to the organisation of competitive sport. However, that biological reality does not, without further scientific justification, establish that a single genetic marker, such as the presence of the SRY gene, provides an appropriate or proportionate basis for determining eligibility for all persons and across all women's sporting categories. Human biological variation, including among persons with differences of sex development, requires that any eligibility criteria be supported by robust, sport-specific scientific evidence and assessed against the applicable principles of necessity, proportionality and non-discrimination.

While the Policy acknowledges that the extent of any performance advantage may vary across sports, events, and individual athletes, it nevertheless limits the female category to "biological females", as defined in the policy, relying exclusively on a one-time SRY gene screening. Athletes who test positive for the SRY gene are ineligible for competition in the female category in any sporting discipline without any sport-specific or layered assessment, with some

rare exceptions. This new approach raises some significant human rights concerns:

Mandatory sex-testing violating dignity, autonomy, privacy and bodily integrity

The 2026 policy reinstates the abandoned practice of mandatory sex testing to all who wish to compete at the elite level, on the basis of a test for the SRY gene. Athletes who screen negative for the SRY gene permanently satisfy this Policy's eligibility criteria for competition in the female category.

International human rights law aims at preventing female athletes, including those with variations in their sex characteristics, from being subjected to medical examinations and interventions that violate the principles of human dignity, equality, autonomy, informed consent, data protection, and physical and psychological integrity of a person, and mandate holders [have called for the removal of such policies](#).

Mandatory genetic sex testing, even if conducted via saliva, cheek swab or blood sample as recommended by the IOC Policy, still raises the above-mentioned concerns as well as issues relating to the right to health¹, particularly where athletes are compelled to undergo testing under threat of ineligibility and where sensitive personal data may be processed or disclosed without adequate safeguards. They leave no real or viable choice to the woman athlete, who has to 'choose' between (i) exclusion from competing in women's sport thereby damaging her livelihood and sporting career, or (ii) undergoing medically unnecessary and intrusive assessments with negative impacts on her health and well-being.

Mandatory sex testing also raises concerns about discrimination against women, as only female athletes are subject to such processes. Women have long suffered of being dictated externally and their bodies controlled. This process continues this stereotype of external decision-making relating to women's bodies. The lack of autonomy of women athletes over their bodies and careers signifies the very high degree of control exercised by sporting organisations on them, a relationship characterised by an acute imbalance of power. The Policy would also apply to minors, with screening for biological sex encouraged "early in the athletic career", which raises further concerns regarding the best interests of children and their right to privacy, health, dignity and identity.

The Human Rights Committee has affirmed that women must enjoy the right to privacy on equal terms with men (CCPR/C/21/Rev.1/Add.10). Targeted interference with this right, which disproportionately impacts women and girls, constitutes an impermissible violation of the right to privacy and the principles of non-discrimination and equality. As the Human Rights Committee noted, such interference may take the form of requiring women and girls to uniquely disclose certain medical or health information or mandating professionals to report and monitor women's bodies in ways not required for men (CCPR/C/21/Rev.1/Add.10).

¹ See CEDAW GR 24 women and health, para 22, CESCR GC 14 right to health para 4, and para 5 of www.ohchr.org/sites/default/files/documents/issues/health/AC-Caster-Semenya-vs-Switzerland.pdf.

Discrimination on the basis of sex and gender

The new Policy systematically excludes from participation in the women's elite category all athletes who do not satisfy the Policy's SRY gene eligibility criterion. As a result, and with only a few exceptions², it categorically excludes intersex persons, including intersex women, as well as transgender and gender-diverse women who were assigned male at birth, regardless of their individual circumstances or the sport concerned.

The IOC recognises in its guidance that athletes with an XY karyotype who identify as women and wish to compete in Olympic events in accordance with their legal sex or gender identity may disagree with this Policy. It nevertheless maintains that the sex-based eligibility criteria are necessary and proportionate to achieve their stated objectives. Whether that position is compatible with international human rights standards will ultimately depend on a human rights assessment informed by clear, comprehensive and independent scientific evidence – not solely medical nor biological opinion.

International sport forms part of cultural life and must be organized and regulated in a manner consistent with international human rights law and standards, avoiding false conflicts between the rights of different groups. 'Do no harm' is an important principle of human rights. We would like to remind the International Olympic Committee that sporting bodies should commit themselves to protecting and respecting internationally recognized human rights. In its new approach, the policy guidance may amount to direct discrimination if not shown to be necessary, evidence-based and proportionate, thereby undermining international human rights law and the principle of non-discrimination.

Under international human rights law, discrimination on grounds of sex and gender is prohibited. The Committee on the Elimination of Discrimination against Women has [clarified](#) that discrimination against women includes discrimination based on gender, as also [affirmed](#) by the Working Group on discrimination against women and girls. CEDAW standards on non-discrimination and substantive equality require attention to the situation of women and girls in all their diversity, including women and girls affected by discrimination based on sex characteristics and gender identity. United Nations mandate holders have [further cautioned](#) that rigid, binary definitions of sex risk reinforcing harmful stereotypes and eroding progress toward substantive gender equality.

Any differential treatment must pursue a legitimate aim and be objective, reasonable and proportionate. The protection of fairness, safety and equal opportunities for women athletes is a legitimate and important aim. However, measures adopted for that purpose must be evidence-based, necessary, proportionate, not based on stereotypes and accompanied by safeguards. Where regulation is rooted in stereotype or generalised assumptions rather than robust

² "XY-DSD athletes with Complete Androgen Insensitivity Syndrome or with other rare XY DSDs that do not benefit from the anabolic and/or performance-enhancing effects of testosterone" are recognized as exceptions.

and sport-specific substantiated evidence, it risks violating principles of equality and non-discrimination, undermining dignity, privacy and bodily integrity. The limited number of athletes concerned at the elite level does not justify a ban for all cases, especially since a layered approach is possible. The one size fits all approach is a disproportionate ban, that does not take into account complexity and scientific uncertainties.

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

Against this background, blanket bans on the participation of transgender and gender-diverse women and intersex persons, including intersex women, in the female category raise serious human rights concerns. Such measures presume a uniform performance advantage without adequate evidence, rely on categorical exclusions rather than individualised assessment, and risk imposing disproportionate burdens on a small and already marginalised group.

Scientific uncertainty heightens the obligation to avoid irreversible or blanket exclusionary measures, to proceed with caution, to adopt evidence-based, sport-specific, proportionate and rights-respecting approaches and to prioritise inclusion. Eligibility rules must be demonstrably necessary, proportionate and grounded in robust, sport-specific evidence, and must be accompanied by safeguards for dignity, privacy, participation and effective remedy.

Spreading of discrimination

The 2026 Policy sets an approach for other sport bodies that is counter-productive to equality for all in sports and beyond.

The 2026 Policy recognises the importance of widespread participation in grassroots and recreational sports programmes, to which the Policy should *not* apply.

However, in the review of the International Sports Federations' positions on the Framework, the IOC recognizes the Sports Federations' preference for policy alignment, led by the IOC. The scope of application of the policy indicates that it should "be adopted by international federations and other sports governing bodies, such as National Olympic Committees, National Federations and Continental Associations", asking them to apply the same strict sex categories. The IOC is therefore conscious that its policy will most probably be applied at the national level and by other sports bodies wishing to see their athletes qualify for international events.

Several international federations have already adopted or announced eligibility regimes that rely on mandatory genetic sex testing or rigid biological criteria as a condition for participation in the women's category.

Even if not intended, the 2026 policy risks legitimising similar exclusions beyond the elite levels, deterring individuals from exercising their right to participate in cultural life on an equal basis with others. It may also contribute to the de facto exclusion of trans and gender-diverse women, and intersex persons, particularly intersex women, from competitive sports, undermining decades of progress towards ensuring that all persons can participate in sport without discrimination.

The Special Rapporteur in the field of cultural rights has warned that indiscriminate bans of trans, gender diverse and intersex women from women's sport - or categorising them as "male" - is inconsistent with international human rights standards. Many United Nations mandate holders have further cautioned that rigid, binary definitions of sex risk reinforcing harmful stereotypes and eroding progress toward substantive gender equality.

In addition to sex and gender, international human rights law also prohibits discrimination on the basis of gender identity³ and sex characteristics⁴, as has been clarified by numerous treaty bodies, including the Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Discrimination against Women, Committee on the Rights of the Child, among others. The Committee on Economic, Social and Cultural Rights (CESCR) affirmed that a flexible and evolving approach is needed when considering status-based grounds of discrimination, to capture other forms of differential treatment not explicitly enumerated in ICESCR's article 2(2) on non-discrimination in the exercise of ESC Rights (E/C.12/GC/20).

Procedural concerns: Opaque deliberations to determine eligibility for participation in the women's category

According to the IOC publication, the 2026 Policy was elaborated with the support of a working group including specialists in sports science, endocrinology, transgender medicine, sports medicine, women's health, ethics and law.

No social science experts and no independent human rights experts are mentioned as having taken part in the elaboration of the policy, and there are also no mentions of the involvement of the IOC's Human Rights Advisory body in the process.

Although the Policy refers to disagreement among "human rights experts, including UN Special Rapporteurs" regarding the legitimacy of sex-based

³ See E/C.12/GC/20 para. 32; E/C.12/UKR/CO/7 paras. 10–11; CCPR/C/GC/37 para. 25, CCPR/C/UZB/CO/5 paras. 10–11; CEDAW/C/NZL/CO/8 para. 12 (a); CRC/C/LVA/CO/3-5 para. 27 (c); CRPD/C/MMR/CO/1 para. 12; CMW/C/LKA/CO/2 para. 27 (c); CAT/C/UZB/CO/5 para. 64; CERD/C/GC/36 paras. 18 and 60.

⁴ See A/HRC/60/50 para 4, CCPR/C/CAN/CO/7 para. 17, CEDAW/C/BWA/CO/5 paras 12-13, CEDAW/C/LUX/CO/8 para. 20, CEDAW/C/NZL/CO/9 para. 9, CRC/C/GBR/CO/6-7 para. 47, CRC/C/LVA/CO/3-5 para. 27, CRC/C/CHL/CO/4-5 para. 25, CAT/CRC/CRPD/SPs JST

eligibility rules in competitive sports, it would be more accurate to acknowledge that the views expressed **publicly** within the UN Special Procedures system have not been evenly divided. While one mandate-holder has supported such rules, multiple mandate-holders have raised concerns regarding their compatibility with international human rights standards.

Concerns have been raised regarding the transparency and governance of the deliberations within international sporting bodies on eligibility in the women's category. It is alleged that the composition, mandate and working methods of the established expert or advisory groups were not publicly disclosed during the proceedings. Considering the far-reaching and foreseeable human rights impacts of the policy, this lack of transparency undermines the legitimacy of the outcomes.

In preparation of the Policy, the IOC has noted that consultations with athletes through an online survey (1'100 responses), in-depth individual interviews with impacted athletes from around the world and a discussion with the IOC's Athletes' Commission had revealed "a strong consensus to the importance of protecting the Female category and establishing clear science-based eligibility rules".

There is no information regarding consultation with athletes who will be affected by the policy. More importantly, whereas consulting with athletes is important, we would like to remind the IOC that respect and protection of fundamental human rights are obligations, whether or not they gather popular support.

In outlining its policy goals, the Policy justifies the use of sex-based eligibility criteria by referring to "the scientific consensus that males have a performance advantage in all sports and events that rely on strength, power, and/or endurance irrespective of subsequent testosterone suppression or gender-affirming hormone treatment". However, this assertion is not accompanied by specific references to scientific literature. Moreover, characterising the evidence as reflecting a scientific consensus does not appear to accurately reflect the current state of the research, which remains the subject of extensive ongoing scientific debate regarding both the extent of any retained performance advantage and its implications for eligibility criteria in different sports and events.

Access to effective remedy

Serious concerns also arise with respect to access to an effective remedy. Athletes challenging eligibility rules are typically required to submit to mandatory arbitration before the Court of Arbitration for Sport. Structural barriers, high costs and limitations in judicial review have raised persistent questions about the adequacy of existing mechanisms for adjudicating fundamental rights claims, particularly where sporting regulations interfere with core aspects of human dignity, bodily integrity and social identity. There is no specific remedy mechanism envisaged under the Policy, nor a clear avenue to appeal decisions made under the Policy, which is of particular concern given the "permanent" nature of such decisions.

We understand the intention of the International Olympic Committee to maintain fairness in sports, equal opportunities for female athletes and to increase the visibility of women's sports and women athletes. These are noble objectives that we support. We however regret that the policy, instead of proposing nuanced solutions contributing to the difficult conversation about how to maintain fairness and promote the participation of everyone, imposes blanket bans on the participation of most women with innate variations in sex characteristics and all transgender women from all women's sports competitions, regardless of their actual circumstances, performance advantage in their specific sport and discipline, and demonstrated risks in the context of contact sports.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned analysis.
2. Please provide information on the limits of the 2021 Policy and evidence for the “scientific, medical and legal developments since 2021” referred to in the new policy, justifying the abandonment of that policy, and on the necessity and proportionality of this new process with respect to discrimination on the basis of sex, gender, gender identity and sex characteristics.
3. Please provide information on the process that was followed to adopt the revised 2026 Policy, including in particular the extent to which athletes potentially affected by the new measures were consulted, and the role of the IOC's Human Rights Advisory body in this respect.
4. Please provide information on any assessment carried out on the compatibility of the new policy with international human rights norms and standards, including as relates to non-discrimination and proportionality, and including as they apply to the IOC and international and national sports federations and bodies, and States hosting related events. Please also provide information on any assessment carried out of the compatibility of the new policy with the IOC Strategic Framework on Human Rights and its commitment to respect human rights in line with the UN Guiding Principles on Business and Human Rights.
5. Please provide information about any consideration or measure the IOC has taken or intends to take to strengthen access to remedy in the context of this policy and prevent and redress undue violations of human rights.
6. Please clarify what measures are taken or envisaged to prevent and remedy discrimination under the current policy, including against intersex persons and in particular intersex women / women with innate variations in sex characteristics, trans and gender-diverse women.

This communication, as a comment on pending or recently adopted legislation, regulations or policies, and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 48 hours. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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