

EXPLORING THE INTERSECTION OF GENDER IDENTITY AND SPORTS: CHALLENGES, PERSPECTIVES, AND INCLUSIVITY

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ABSTRACT

Gender equity in sports promotes equality in sports and entertainment, irrespective of an individual's gender identity. Sports are fundamental in displaying the impact of gender in society. As a leading advocate for gender equality in sports and a fundamental human right, the International Olympic Committee works to provide equal opportunities for people of all genders to participate in sports. Beyond athletics, gender equity in sports challenges existing gender norms and stereotypes, paving the way for a fairer society where people are not constrained by gendered social expectations. Thus, this article attempts to highlight how we may question prevailing gender norms and prejudices by encouraging inclusivity and fairness in athletics, which will result in a more equitable society. It is very important to note that exaggerated assumptions regarding behavioural differences and gender roles are picked up and taught throughout the process of developing a gender identity. Our behaviour and thought processes are shaped by social interactions, norms, and norm systems. This article also seeks to show that due to biological variations between the sexes, male and female athletes in competitive sports are sometimes divided into different categories. Although this separation helps in maintaining fair competition, there is a lot of pressure on people of all genders to conform to particular gender standards and stereotypes. It is not a newfound fact that women athletes who identify as intersex or transgender have faced disadvantages in the sports industry; they are frequently subjected to in-depth questioning, medical examinations, and scrutiny of their gender identity and biological sex. This article seeks to emphasize that safeguards that protect inclusivity are becoming more and more necessary to guarantee that these athletes can compete without being judged or criticized. Athletes identifying as transgender should not have to undergo any medical treatments to play sports; they have the right to bodily autonomy. Transgender athletes should not be forced to meet medical requirements to compete; this is unfair because it violates their right to bodily autonomy and equality. This article also discusses the prevalent condition of gender identities, focusing on transgenders in the field of sports in the Indian context and also discusses the various initiatives

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that exist in India for the protection of the rights of transgenders, along with this, the article also stresses on the need for establishing inclusive strategies and how it plays an important role in guaranteeing that transgender and nonbinary people can participate in sports that respect their rights and dignity. Coaches, athletes, and staff must all get education and training to foster a welcoming and safe sports environment for LGBTQ+ athletes. It is essential to educate people about LGBTQ+ issues and provide solutions for creating a welcoming, kind, and discrimination-free environment.

Keywords: Gender Identity, Gender Equity, Sports, LGBTQ+ Community, Transgender.

INTRODUCTION

Biological Gender vs Social Gender

A person's biological gender is ascertained by anatomical characteristics like reproductive organs and genetic makeup. This distinction is clear and well-defined within the field of biology. However, social gender encompasses a broader spectrum of psychological, social, and cultural factors that contribute to one's identity and how they are perceived in society. These factors include personal gender identity, social roles, behaviours, and cultural norms.

Interchangeable Use of "Sex" and "Gender"

While there is a conceptual difference between sex and gender, these terms are frequently used as substitutes for each other in various contexts. Sex typically refers to biological characteristics, while gender means the societal and cultural aspects of being male or female. However, due to historical usage and evolving language conventions, the distinction between these terms has become blurred.

Judith Butler suggests that gender is performative in her work "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory." This means that gender is more like a collection of actions that can change over time rather than a fixed identity or role.¹

¹Judith Butler, Performative Acts, and Gender Constitution: An Essay in Phenomenology and Feminist Theory, Theatre Journal, Vol. 40, No.4 (Dec. 1988), The Johns Hopkins University Press.

When discussing genetic and genital differences, sex typically refers to the biological distinctions between males and females and gender is more of a social construct and how a person self-identifies.

The features and traits that society assigns to someone who chooses not to identify themselves as either male or female might have an impact on how an individual decides to identify themselves.

Engaging in sports that are traditionally associated with a particular gender identity, playing sports in a specific style, or accepting or rejecting gender role expectations related to sports are all examples of how one might show their gender identity through sports and other physical activities. Beliefs on what comprises acceptable engagement in sports and appropriate behaviour in sports are heavily influenced by the sex binary, which distinguishes between behaviour that is valued and approved for boys and men and girls and women.

Sport plays a crucial role in shedding light on the impact of gender in society. Gender equity in sports refers to the promotion of equality across all aspects of sports and entertainment, disregarding an individual's gender identity. This concept emphasizes the importance of ensuring that everyone, regardless of their gender, has equal opportunities and representation in the sports arena.

The International Olympic Committee is at the forefront of promoting gender equality in sports. The committee recognizes participation in sports as a fundamental human right and actively advocates for equal opportunities for individuals of all genders. By championing this cause, the committee aims to break down barriers and create a level playing field for athletes, coaches, and various other stakeholders involved in sports.

Gender equity in sports goes beyond the realm of athletics; it has a ripple effect on society as a whole. By promoting inclusivity and fairness in sports, we can challenge traditional gender norms and stereotypes. This can lead to a fairer society where individuals are not limited by societal pressure or expectations based on their gender.

CLASSIFICATIONS OF GENDER

The gender binary is the categorising method that recognizes only two genders: male and female. A person's gender is determined by their doctor based on their genetic characteristics,

and most people in the world are classed on the gender binary system from birth. We are given a gender at a very young age, and we are raised to conform to gender norms. Boys are born, encouraged to wear blue, and taught to play with cars, watch sports, and avoid displaying any traits of weakness. The colour pink is associated with girls and girls are encouraged to wear pink, and are they taught certain behaviours that direct them to act submissively, play with dolls, and refrain from displaying traits of dominance. We often think of gender in terms of the binary distinction between male and female sex, although gender is identified in a variety of ways that do not involve male or female. A person can identify as transgender, intersex, or a mix of genders because gender is flexible. While gender binary systems are used in the vast majority of the world, some regions do not follow them. A few instances of how someone could decide to identify with something other than the gender binary are as follows:

Cisgender

means having the same sex and gender.

Transgender

When the sex given to you at birth is inconsistent with your gender.

Agender

The state of not having a gender identity.

Exaggerated stereotypes about gender roles, differences in behaviour and other aspects of life are learned and ultimately acquired at the same time that gender identity is developed. Our identity formation has an immense effect on how we behave and think later in life. We pick up patterns of behaviour based on social interactions, norms, and norm systems that define what is deemed masculine or feminine.

The social gender ideology states that gender is a learned trait and that a person's sense of self and behaviour are not always determined by the biological sex to which they are assigned. This perspective challenges the assumption that a person's gender is only defined by their physiological structure by emphasizing how gender is influenced by social norms and expectations. Furthermore, this theory holds that gender identity is innate and not dependent on a person's biological sex, as demonstrated by the historical prevalence of a variety of gender identities in all societies. As such, this paradigm acknowledges the complexity of human

sexuality and opposes binary classifications, acknowledging that variables other than genetic chromosomes influence a fetus's future gender expression.

CHALLENGES

In competitive sports, categorizing male and female athletes into separate categories is common because it is generally accepted that biological differences between the sexes might impact physical performance. Considering testosterone exposure throughout growth gives males natural advantages in terms of muscular strength and endurance, this division helps to maintain level levels of competition.

Both male and female athletes are under tremendous pressure to adhere to particular gender norms and stereotypes in the context of sports as a result of societal expectations. The pressure placed on male athletes to exhibit "hegemonic masculinity" features—such as anger, competition, and emotional suppression—often results in extreme behaviours while preventing traits that are typically seen as more empathetic. However, female athletes have to balance to maintain their perceived femininity while also showcasing their physical ability. As a result, rather than being appreciated for their abilities and accomplishments in their particular sport, female athletes may end up being objectified or sexualized due to their physical appearance. In general, the pressure to live up to these strict gender norms can be harmful to athletes.

Athletes who identify as intersex or transgender women, for example, have experienced particular difficulties and discrimination in the sports world. They frequently experience intense questioning, medical tests, and scrutiny about their biological sex and gender identity. Feelings of alienation and inadequacy, as though they don't belong or aren't considered women in the world of sport, might result from this constant monitoring. They may be unable to completely embrace their passion for athletics due to the rules and policies governing their participation in sports, which could create barriers and reinforce their sense of alienation. Given this, there is an increasing need for safeguards and inclusivity to guarantee that these athletes may participate without worrying about being judged or criticized.

Ghanaian football player Holali Ativor quit school as a result of being bullied about her gender identity. She joined Kumasi Sports Academy, where she avoided showering with teammates. She was removed from the National Team upon refusing to undergo surgery.

A former middle-distance runner from Uganda named Annet Negesa was disqualified from the London Olympic Games because of her elevated testosterone levels. She experienced physical side effects, was given a lifelong medication, and had surgery performed against her consent under the direction of the national federation. She has not been able to return to competitive sports ten years later.

Aminatou Seyni, an Olympian from Niger, competed in the 400 meters before being disqualified from the event. The rules of the IAAF, which is now World Athletics, allowed her to carry on competing in 200-meter races. The same athlete was deemed "woman enough" for 200 meters, but not for the longer distances, which raised questions for her National Federation and Ministry. They nearly decided not to send her to the Olympics because of this issue.

Athletes who differ in their sexual characteristics have found it difficult to pursue justice when their rights are infringed. Athletes frequently have no awareness that they have rights or that rules can be questioned.

First and foremost, trans athletes are people, and they should be treated with dignity and respect. Contrary to what some believe, transgender people have always been a part of society, even in light of developments in medical and media technologies. Additionally, communities ought to accept them completely and welcome them back.

Transgender athletes face several challenges, including discrimination from their families and society at large, difficulty finding a coach who can mentor a transgender person, lack of sponsorship, media attention that focuses only on their gender identity rather than their athletic abilities and hard work, multiple medical examinations, allegations of cheating, refusals from other athletes to compete against them, harassment, death threats, stalking, and serious mental health consequences such as Post Traumatic Stress Disorder (PTSD), anxiety and depression.

Individuals who identify as cisgender, straight, white men have drafted most of the laws governing transgender athletes' participation in sports. Black, brown, and indigenous athletes as well as trans women and nonbinary individuals are disproportionately affected by these sports-related policies, which also regulate their bodies. Transgender athletes, like any other athletes, have the right to bodily autonomy and should not be required to undergo any medical procedures to participate in sports. Many nations still do not provide transgender individuals with the freedom to have sex reassignment surgery or change their names, denying them the ability to fully express their gender identity.

Additionally, not all transgender women may be ready or able to undergo a medical transition due to various factors such as financial issues or personal reasons. It is discriminatory to force transgender athletes to conform to specific medical requirements to compete, as it goes against the principles of bodily autonomy and equality. To ensure fairness and inclusion, sports regulations should be revised to accommodate the diverse needs and identities of transgender athletes without imposing discriminatory barriers. This approach would promote a more inclusive and fair sporting environment for all athletes.

Transgender women are quickly criticized when it is argued that they should be prohibited from participating in women's sports because they are not women. Transgender women are still women.

Eligibility and Discrimination

Different women are subject to different eligibility policies and are not all tested. Based on the femininity of white women, trans women and women with variances in sex characteristics are typically the targets of criticism for not appearing feminine enough.

Evolution of Inclusion in Sports

Since the 2003 IOC recommendation openly permitting trans athletes to compete, this was the first time trans athletes had ever competed, at the Tokyo 2021 Olympic Games. Not a single transgender Olympian took home a medal out of the more than 54,000 competitors.

Absence of Dominance

As of now, there isn't a single transgender world champion. There isn't a single transgender world record holder. Thus, it makes no sense to talk about trans women dominating women's sports.

Nonetheless, given the changing discourse concerning gender identity and inclusivity, it presents an important opportunity for exploring how society views and treats transgender people within this context. Individuals must "align themselves as female or male and join the corresponding team" to compete in sports. As a result, transgender people face significant difficulties in conforming to the sex binary and sports regulations that primarily demand a match between biological sex and gender identity.

Critics argue that allowing transgender athletes to participate in women's sports compromises the competition's fairness and disadvantages biological women. They contend that transgender athletes unfairly have the advantage over other competitors in terms of strength, speed, and endurance because of the physical characteristics associated with being born male, such as greater levels of testosterone. They contend that this leads to unfair results that don't uphold the values of sportsmanship and fair play.

Advocates for transgender athletes, on the other hand, contend that it is discriminatory to exclude individuals from participating in the gender category of their choice and that doing so undermines efforts to advance diversity and inclusivity in sports. They argue that gender identity is an integral and very personal aspect of an individual's identity and that athletes who identify as transgender should be permitted to participate in sports that correspond with their gender identification.

The belief in a universal advantage in athletics is not supported by scientific evidence and is based on outdated assumptions. Transgender athletes can compete on an equal footing with cisgender athletes, according to studies showing a reduced performance disparity between the two groups. More inclusiveness is necessary since the problem of transgender athletes in sports raises challenging problems of justice, equality, and inclusivity.

Following Durkheim's work, social inclusion is based on the achievement of social cohesion and organic solidarity, whereas Marshall sketches social inclusion as linked to the granting of social rights, among others, that provide equal access to institutions and an appropriate standard of living. Access to and participation in organized sports contexts can be understood as a social right, that should be granted to every individual independent of social status, ethnicity, sexual orientation, or gender identity.²

IS THERE ANY INCLUSIVITY OF VARIOUS GENDER IDENTITIES IN SPORTS?

Transgender Athletes

Many transgender athletes have participated in athletic competitions. During his final year as a member of the Bates College women's running team, Keelin Godsey came out as transgender

² Birgit Braumüller, Tobias Menzel, and Ilse Hartmann-Tews 'Gender Identities in Organized Sports—Athletes' Experiences and Organizational Strategies of Inclusion' (2020) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8022765/>> accessed on 17 July 2024

and changed his gender identity from female to male. Renée Richards was refused admittance to the 1976 U.S. Open after undergoing gender reassignment surgery and changing her self-identification from male to female. She challenged this restriction, and it ultimately reached the Supreme Court, which rendered a significant ruling on transgender rights, holding that the United States Tennis Association (USTA) had discriminated against her and infringed upon her rights. After being granted permission to participate in the U.S. Open, she fell short in the opening round of singles matches against Virginia Wade, a British player, but she advanced to the doubles championships.³

Intersex Athletes

Intersex is a term used for a person born with a reproductive sexual anatomy that does not fit into the common definitions of female or male.⁴ This may involve genitalia ambiguity and a person being assigned as a male or female at birth but may have characteristics of both sexes (Gleaves and Lehrbach 2016).

Within sports, this plays a role, because intersex individuals do not meet the gender binary and may therefore have a bias while competing in a female sport. In an attempt to determine whether an athlete should compete as a male or a female, the International Amateur Athletic Federation—now known as World Athletics—has created rules and carried out a great deal of research.

THE CURRENT LEGAL POSITION AND ANALYSIS ABOUT TRANSGENDERISM IN INDIAN SPORTS

The Indian constitution ensures justice and equality for every citizen, including transgender persons. The Transgender Person (Protection of Rights) Act, 2019, enacted by the government, prohibits discrimination in areas such as employment, education, and healthcare services. Additionally, welfare measures have been implemented to safeguard the rights of transgender individuals.

³ Ronald B. Woods & B. Nalani Butler, 'Understanding gender identification and sport' (US.Kinetics.com) < <https://us.humankinetics.com/blogs/excerpt/understanding-gender-identification-and-sport> > accessed on 17 July 2024

⁴ Ronald B. Woods & B. Nalani Butler, 'Understanding gender identification and sport' (US.Kinetics.com) < <https://us.humankinetics.com/blogs/excerpt/understanding-gender-identification-and-sport> > accessed on 17 July 2024

Constitutional Protection

The Indian constitution, the country's supreme law, guarantees justice and equality for all citizens. This includes provisions to protect the rights of transgender persons.

Transgender Person (Protection of Rights) Act

The enactment of this act in 2019 was a significant step towards ensuring the protection of transgender individuals in various aspects of their lives. The act not only addresses discrimination but also aims to provide opportunities for their holistic development and well-being.

Prohibition of Discrimination

The act explicitly prohibits discrimination against transgender persons in areas such as employment, education, healthcare services, and access to public spaces. This legal framework is crucial in promoting inclusivity and preventing marginalization.

Welfare Measures

In addition to legal protections, the government has put in place welfare measures specifically designed to address the unique challenges faced by transgender individuals. These measures encompass social support programs, healthcare initiatives, and efforts to promote economic empowerment.

Transgender athletes' participation in sports has generated a lot of controversy in the West. On the other hand, in India, where there aren't many transgender athletes competing, or at least not many who are vocal about their identity, these discussions are practically nonexistent. When athletes in Indian sports fail the "sex verification test" and protest arbitrary rules, gender-related debates usually start. Notably, Dutee Chand, a sprinter, was banned from participating as a female athlete in 2014 because of her hyperandrogenism. She was able to compete in the category for women, nonetheless, as the Court of Arbitration for Sport decided that there was insufficient evidence to support the claim that naturally occurring testosterone improves female athletes' performance.⁵

⁵Kunwar Malhotra, 'TRANSGENDERISM IN SPORTS IN INDIA: CURRENT LEGAL POSITION AND ANALYSIS' (g-spr.com, July 17 2023) <<https://www.g-spr.com/post/transgenderism-in-sports-in-india-current-legal-position-and-analysis>> accesses 17 July 2024

The lack of active participation in professional sports by Indian athletes, including transgender people, emphasizes the necessity for conversations on transgender rights and inclusion in sports.⁶

In a landmark decision, the Kerala High Court upheld the right of transgender athletes to compete in the gender category of their choice if there isn't a particular category. The ruling was in response to a lawsuit brought by a transgender woman who was turned away from a district-level Judo competition due to her gender identity.

The case's judge, Justice VG Arun, stressed that every transgender person should have an equal opportunity to participate in sports. The Kerala High Court ordered the tournament organizers to accept the petitioner's application and subsequently permit her to compete in the category of her choice, stating firmly that transgender athletes should be allowed to compete in any category of their choice.⁷

Kerala hosted a groundbreaking transgender sports meet, which was a historic occasion endorsed by the state government. P. Sasidharan Nair, Joint Secretary of the Kerala Olympic Association and member of the Sports Council's Administrative Board took pride in their novel work and underlined the necessity for other states to develop initiatives along these lines.⁸

In a landmark decision rendered in 2014, the Supreme Court of India established a precedent for transgender people's rights in the case of the National Legal Services Authority versus the Union of India.⁹ The court had officially recognized the "transgender" category as a separate "third gender." Furthermore, the ruling outlined a variety of initiatives intended to minimize discrimination directed toward transgender individuals and protect their rights. It included recommendations for gender identity discrimination policies in the workplace and educational settings, as well as the freedom for people to identify as gender nonconforming without having to undergo sex reassignment surgery.

⁶ Bhavya Dore, 'The reality of being a transgender athlete in India' (Mint Lounge, 29 August 2021) <<https://lifestyle.livemint.com/news/big-story/the-dual-lives-of-trans-athletes-111629993101594.html>> accessed 17 July 2024

⁷ Bobins Abraham, 'Trans Athletes Can Participate In Their Chosen Gender In Absence Of Separate Category: Kerala HC'(India Times, 30 July 2022) <https://www.indiatimes.com/news/india/transgender-athletes-can-participate-in-their-chosen-gender-kerala-high-court-576049.html#highlight_108281> accessed on 17 July 2024

⁸ Makepeace Sitlhou, 'A transgender sports meet in Kerala could change the norms of India's competitive sports' (Scroll. in, 30 April 2017) <<https://scroll.in/magazine/836112/a-transgender-sports-meet-in-kerala-could-change-the-norms-of-indias-competitive-sports>> accessed on 17 July 2024

⁹ (2014) SCC 438

HOW TO CREATE A SAFE AND INCLUSIVE SPORTS ENVIRONMENT FOR LGBTQ+ ATHLETES?

Promoting equality and fostering a sense of belonging for all members of the sports community requires providing a safe and accepting sports environment for LGBTQ+ athletes. LGBTQ+ athletes may find themselves in a hostile and unwelcoming environment in sports due to homophobic remarks and conduct. This may negatively impact the sport's general culture, resulting in LGBTQ+ athletes facing stigma, prejudice, and mental health issues. It is essential to provide LGBTQ+ inclusiveness education and training programs for coaches, athletes, and staff. This can help spread knowledge about the difficulties LGBTQ+ athletes encounter and offer solutions for fostering an inclusive, respectful, and discrimination-free environment.

Education and Awareness: It is essential to educate coaches, athletes, and other members of the sports community about LGBTQ+ concerns to establish a safe and welcoming sports environment for LGBTQ+ athletes. Offering training sessions and workshops to foster understanding and increase awareness is one way to do this.

Learn the preferred names and pronouns: Take the time to ask each athlete about their preferred name and pronouns. This shows respect for their identity and creates a more inclusive environment.

Use gender-neutral language: Instead of addressing the group as “boys and girls” or “hey guys,” opt for inclusive terms like “hello everyone.” This sets a tone of inclusivity from the start.

Avoid gender-segregated activities: Rather than organizing activities based on gender, consider alternative criteria for dividing the athletes into groups. For example, group them based on birth months to mix things up and break away from traditional gender divisions in sports.

Support and Resources: It is crucial to offer LGBTQ+ athletes exclusive support and resources. This can include starting support groups, providing access to mental health professionals who are knowledgeable about LGBTQ+ issues, and making sure that the resources to support LGBTQ+ athletes in their athletic goals are available. Moreover, it can be very helpful to establish mentorship programs or connect LGBTQ+ athletes with role models in the sports world.

INITIATIVES IN INDIA FOR THE TRANSGENDER COMMUNITY

The Transgender Persons (Protection of Rights) Act, 2019: seeks to remove discrimination against transgender people in the workplace, in schools, and the healthcare system.

The Transgender Persons (Protection of Rights) Rules, 2020: The rules acknowledge the identity of transgender people and bar discrimination in several contexts, such as public office, the workplace, healthcare, property rights, education, and access to public services.

National Council for Transgender Persons: This council provides advice to the Indian government on the development and control of transgender-related policies, as well as a remedy for their issues.

The Ministry of Social Justice and Empowerment launched SMILE (Support for Marginalized Individuals for Livelihood and Enterprise), a program that focuses on financial aid for transgender students, education, skill development, counselling, documentation, healthcare, and the construction of shelter facilities for abandoned and orphaned transgender people.

National Education Policy 2020: This policy guarantees equal access to high-quality education for transgender children and acknowledges them as Socio-Economically Disadvantaged Groups 4 (SEDGs). To assist in providing inclusive education for girls and transgender students, a Gender-Inclusion Fund will be established.

Journal of Legal Research and Juridical Sciences

PM-DAKSH: Enhancing employability and livelihood opportunities, the Ministry of Social Justice and Empowerment offers skill development training to transgender recipients of the SMILE Scheme.¹⁰

CONCLUSION

When it comes to transgender athletes, the Indian Constitution is of paramount significance because of its emphasis on the right to equality. This constitutional right, which represents the State's obligation to give all citizens social security and a fulfilling life, is fundamental to our democratic society. Despite this, we must examine the issue of whether transgender people need to be granted equal opportunities in the field of sports.

¹⁰ Manishiq, 'Transgender in Sports' (StudyIQ.com , 27th March 2023)
<<https://www.studyiq.com/articles/transgender-in-sports/>> accessed on 17 July 2024

Gender testing and transgender inclusion are still controversial topics, despite the International Olympic Committee's (IOC) introduction of guidelines for transgender athletes that include legal recognition of their gender and a minimum of two years of hormone therapy following gender reassignment surgery. It is essential to support modifications to laws that give transgender individuals the same freedoms and rights as other Indian citizens to achieve full equality. At the same time, there needs to be a gender sensitization process in society, with an emphasis on creating inclusive environments in households, companies, and institutions. Every person, regardless of social standing, has a responsibility to work together to create a society that values gender equity, respects transgender people's rights, and embraces diversity.

