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August 20, 2020

VIA EMAIL: info@worldrugby.org

Sir Bill Beaumont

Chair

World Rugby

8, World Rugby House,

10 Pembroke Street Lower,

Dublin, Ireland

Dear Sir Bill Beaumont:

Congratulations on your re-election as World Rugby Chair. Your re-election presents you with the opportunity to create positive changes and further the rights of transgender athletes within not only rugby, but also to lead and set a precedent for LGBTQI2S inclusion in other sporting federations and groups.

We are writing in response to the startling news that World Rugby is considering banning transgender women from participating in the women's game.

Egale Canada is the only national LGBTQI2S organization in Canada. We work to improve the lives of LGBTQI2S persons and to enhance the global response to LGBTQI2S issues by informing public policy, inspiring cultural change, and promoting human rights and inclusion through research, education, awareness, and legal advocacy. Since our inception in 1986, we have intervened in 13 applications before the Supreme Court of Canada and more than 25 equality-seeking legal proceedings in lower courts across the provinces and territories.

We are very concerned about this ban of transgender women athletes by World Rugby, as it is informed by an approach to trans inclusion that has been challenged and disputed by wide ranging research. Reducing the success of transgender, specifically trans women athletes, due to their hormonal makeup discounts the phenomenal training, dedication, expertise, and skill that these athletes have worked to build in order to compete in elite sport. World Rugby considering a complete ban on trans women athletes reinforces this narrative of

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dichotomous gender and a singular trans experience, which has a detrimental impact upon the lives of trans individuals.^{1,2}

Transgender people experience hyper surveillance and over-medicalization. The practice of sex testing athletes is born from and continues to be enmeshed in suspicion of fraud and gender policing.³ Existing policies in sport further the divide between cisgender and trans athletes while overwhelmingly privileging cisgender athletes.⁴ Our historical and current gender biases within, and outside of sport are built on an over simplistic binary logic of both gender and sex.⁵ This over simplistic binary reinforces the patriarchal societal viewpoint that, men and masculine people are assumed to be inherently stronger, larger, more powerful and thus better athletes. World Rugby's decision to ban transgender women athletes utilises this problematic binary method of understanding sex and gender, which erroneously undermines and reduces these athletes to the sex they were assigned at birth.

The legal and policy research which World Rugby has relied on in the creation of this policy, argues for the exclusion of transgender women athletes based on limited scientific notions of sex and gender. As an international regulatory body, your uncompromising ban on transgender women's participation in rugby will have dire consequences. Not only to all rugby players, but also all national sports organizations, many of whom are working very hard to improve their policies and practices towards inclusivity. We strongly recommend that you rescind this policy.

This policy under consideration by World Rugby further enforces the notion that testosterone is the key determinant in an athlete's positive performance in all types of sport. However, hormonal levels are only one factor of many relevant to success within sports. Testosterone alone does not cause an individual to

¹Scheim, Ayden I. & Bauer, Greta R. "Sex and Gender Diversity Among Transgender Persons in Ontario, Canada: Results from a Respondent-Driven Sampling Survey." *The Journal of Sex Research*, Vol 52, 1, 2015.

<https://doi.org/10.1080/00224499.2014.893553>

²Gleaves, John. & Leirbach, Tim. "Beyond fairness: the ethics of inclusion for transgender and intersex athletes." *Journal of the Philosophy of Sport*, 43:2, 311-326, 2016. DOI: 10.1080/00948705.2016.1157485

³ Olsen-Acre, Haley K. "The Use of Drug Testing to Police Sex and Gender in the Olympic Games." *Michigan Journal of Gender & Law*, vol 13, 2, 2007. <https://repository.law.umich.edu/mjgl/vol13/iss2/1>

⁴ Gleaves, John. & Leirbach, Tim. "Beyond fairness: the ethics of inclusion for transgender and intersex athletes." *Journal of the Philosophy of Sport*, 43:2, 311-326, DOI: 10.1080/00948705.2016.1157485

⁵ Ibid.

become a successful elite athlete. Testosterone levels are often used as the example of systematic advantage in sport particularly because of our society's microscopic focus on binary gender difference. However, athletic ability is comprised of varying embodied differences that poise certain athletes for success above others, athletes that compete at the elite level are physiological outliers.^{6,7,8} Sport is a realm where athletes are celebrated because of their wealth of embodied difference which manifests as various advantages in athletic performance, and it is unjust for sporting organizations to scrutinize embodied difference only when related to an athlete's sex or gender characteristics.

Sport is not just about physiology⁹; it is a cultural, social, and political process. This means that we must reflect on binary structures and the resulting construction of sex and gender; to avoid doing so is transphobic. World Rugby considering an outright ban on transgender women athletes reinforces this notion of a monolithic trans experience which is contrary to the findings of a vast body of research.^{10,11}

To address trans inclusion in sport we need to move away from a hyper fixation on hormone levels, specifically, the testosterone levels of female athletes. As peer reviewed research shows, the over-medicalization of sexual and gender minorities has historically been used as a method of discrimination.¹² The over-medicalization of transgender people represents one example of structural and systemic oppression, which constructs and reinforces problematic societal perceptions of gender minorities based on outdated binary frameworks.¹³ This medicalization and fixation erases the nuance of individual experience and

⁶ Sudai, Maayan. "The testosterone rule-constructing fairness in professional sport." *Journal of law and the biosciences* vol. 4,1 181-193. 3 Apr. 2017, doi:10.1093/jlb/lxx004

⁷ Gleaves, John. & Lehrbach, Tim. "Beyond fairness: the ethics of inclusion for transgender and intersex athletes." *Journal of the Philosophy of Sport*, 43:2, 311-326, DOI: 10.1080/00948705.2016.1157485

⁸ Ibid.

⁹ Ibid.

- ¹⁰ Scheim, Ayden I. & Bauer, Greta R. "Sex and Gender Diversity Among Transgender Persons in Ontario, Canada: Results from a Respondent-Driven Sampling Survey." *The Journal of Sex Research*, Vol 52, 1, 2015. <https://doi.org/10.1080/00224499.2014.893553>

¹¹ Gleaves, John. & Lehrbach, Tim. "Beyond fairness: the ethics of inclusion for transgender and intersex athletes." *Journal of the Philosophy of Sport*, 43:2, 311-326, DOI: 10.1080/00948705.2016.1157485

¹² Eckhart, Erik. "A Case for the Demedicalization of Queer Bodies." *The Yale journal of biology and medicine* vol. 89,2 239-46. 27 Jun. 2016

¹³ White Hughto, Jaclyn M et al. "Transgender stigma and health: A critical review of stigma determinants, mechanisms, and interventions." *Social science & medicine* (1982) vol. 147 (2015): 222-31. doi:10.1016/j.socscimed.2015.11.010



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violates the hard won human rights and equality of transgender people internationally.

We request that you do not implement the outright ban of transgender women from competing in women's rugby, and we urge you to partner with the transgender athletes to understand their experiences before attempting any further policy development.

Sincerely,

A handwritten signature in blue ink, appearing to read "Helen", written in a cursive style.

Executive Director
Egale Canada

Egale Canada

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