

BRITISH FENCING TRANSGENDER POLICY

Last Updated: 18th December 2017

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1. INTRODUCTION

British Fencing's Equality Policy lays out clearly that the organisation is committed to treating everyone fairly, regardless of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The policy also recognises that we live in a diverse society and promotes open access to all those who wish to participate in British Fencing activities.

British Fencing is clear that transgender people have as much right as any other people to take part in, enjoy, and achieve their potential in fencing. This policy has been produced to clarify some of the issues relating to transgender people in fencing and to create a clear framework for taking part in fencing that is fair to everyone.

As far as is reasonable this policy reflects IOC and FIE guidelines.

2. THE LAW

Due to the fact that fencing is a contact sport it is necessary to offer single sex and age limited opportunities to compete, due to some advantages of physical strength. This is permitted under the Equality Act 2010.

A transgender person is deemed as belonging to the gender in which they present rather than the gender assigned at birth. However, this might give a transgender person an unfair advantage or could pose a risk to the safety of competitors taking part in fencing.

This policy is based on legislation and takes the following into consideration:

- Gender Recognition Act 2004
- Equality Act 2010
- IOC Consensus Statement Nov 2015

3. POLICY AND PROCEDURES FOR INTERNATIONAL COMPETITION

Currently the FIE adopts the IOC guidelines which apply to International level sport. British Fencing follows the guidance from the IOC as set out in the Statement of the Consensus Meeting on Sex Reassignment and Hyperandrogenism (Nov 2015). See Appendix A

Should there be a need to verify any information with the FIE this will be done confidentially through BF's Chief Medical Officer

3.1 INTERNATIONAL REPRESENTATION

A fencer 16 and over shall not be entitled to represent their Home Country or Great Britain in international competitions in their affirmed gender until such time as they have provided evidence that the criteria set out by the IOC have been met to British Fencing's satisfaction.

For fencers under 16, Home Country or GBR representation will require a case by case assessment by British Fencing.

4. POLICY AND PROCEDURES FOR DOMESTIC COMPETITION

All competitors - before the start of any gender transition treatment a transgender fencer must nominate the gender category in which they wish to compete. If this is not the gender assigned at birth they will need to comply with the conditions set out below.

If they wish to compete in the gender assigned at birth and no treatment has started, they can do so regardless of any non- physiological changes such as their name.

Once treatment has started they can only compete in the new gender category, subject to the conditions below.

BF and UKAD Anti-Doping Regulations will also apply.

Affirmed gender	Procedure
Transgender male (female-to male transgender person) All ages	May compete in their affirmed gender in male or mixed gender ¹ domestic competitions once they have registered this gender with BF under membership details
Transgender woman – over 16 and post puberty (male-to female transgender person)	May compete in their affirmed gender in female or mixed gender ¹ domestic competition by complying with 2.1, 2.2, 2.3 and 2.4 in appendix 1 with confirmation by BF's Medical Officer
Transgender girl – under 16 and post puberty	May compete in their affirmed gender in any female or mixed gender ¹ domestic competition subject to age eligibility and subject to an individual case-by case assessment undertaken by BF's Medical Officer
Transgender girl – pre-puberty	May compete in their affirmed gender in any female or mixed gender ¹ domestic competition subject to age eligibility and subject to confirmation of their stage of pubertal development by BF's Medical Officer

5. GENERAL ISSUES

All documentation containing information about a person's past or present gender transition will be managed in accordance with BF's policies on sensitive and confidential information and in line with the Data Protection Act 1998 and, where relevant, the Gender Recognition Act 2004.

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[The Data Protection Act 1998 will be superseded by the General Data Protection Regulation (GDPR) Act which comes into effect on 25 May 2018 across the EU. BF plans to adhere to the new regulations from the outset]

It is accepted that these are sensitive matters and any persons involved in the case will respect the confidentiality of the matter and the individual's right to privacy.

The transgender person (and their legal guardian if under the age of 18) may be asked to provide records from their GP and/or Specialist (and any other information British Fencing requires from time to time), for example:

- Evidence of acquired gender under applicable law (e.g. gender recognition certificate or other form of legal recognition of acquired gender);
- Details of any gender transition procedure undertaken including dates of any surgical procedures);
- Details of any post transition treatment (e.g. type of treatment, dosage and periodicity.

British Fencing should also be permitted to refer back to the GP and/or Specialist to clarify or verify any details.

In order to determine compliance with this policy BF's Equality and Safeguarding Manager and Chief Medical Officer will consider the evidence on a case-by case basis.

6. APPEAL PROCESS

Any individual has the right to appeal any decision made by British Fencing about their status. This must be made in writing to the Equality and Safeguarding Manager with the grounds for the appeal.

¹ For mixed gender events without separate placings or prizes for males and females there are no restrictions on participation.

The Appeal will be heard by a panel established for this purpose. This panel will comprise a minimum of three people appointed by British Fencing who are independent of the case. At least one member of the panel will have relevant expertise.

7.

FIE - Federation Internationale d'Esgrime
IOC – International Olympic Committee
BF – British Fencing
UKAD - UK Anti-Doping

Appendix A IOC Transgender Guidelines Nov 2015

- A. Since the 2003 Stockholm Consensus on Sex Reassignment in Sports, there has been a growing recognition of the importance of autonomy of gender identity in society, as reflected in the laws of many jurisdictions worldwide.
- B. There are also, however, jurisdictions where autonomy of gender identity is not recognised in law at all.
- C. It is necessary to ensure insofar as possible that trans athletes are not excluded from the opportunity to participate in sporting competition.
- D. The overriding sporting objective is and remains the guarantee of fair competition. Restrictions on participation are appropriate to the extent that they are necessary and proportionate to the achievement of that objective.
- E. To require surgical anatomical changes as a pre-condition to participation is not necessary to preserve fair competition and may be inconsistent with developing legislation and notions of human rights.
- F. Nothing in these guidelines is intended to undermine in any way the requirement to comply with the World Anti-Doping Code and the WADA International Standards.
- G. These guidelines are a living document and will be subject to review in light of any scientific or medical developments.

In this spirit, the IOC Consensus Meeting agreed the following guidelines to be taken into account by sports organisations when determining eligibility to compete in male and female competition:

- 1. Those who transition from female to male are eligible to compete in the male category without restriction.
- 2. Those who transition from male to female are eligible to compete in the female category under the following conditions:
 - 2.1. The athlete has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.
 - 2.2. The athlete must demonstrate that her total testosterone level in serum has been below 10nmol/L for at least 12 months prior to her first competition (with the requirement for any longer period to be based on a confidential case by case evaluation, considering whether or not 12 months is a sufficient length of time to minimize any advantage in women's competition).
 - 2.3. The athlete's total testosterone level in serum must remain below 10nmol/L throughout the period of desired eligibility to compete in the female category.
 - 2.4. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the athlete's eligibility for female competition will be suspended for 12 months.