

Communication No. 2440

ISU TRANSGENDER POLICY

This Communication replaces ISU Communication No. 2422, effective December 2, 2021

Introduction

Based on the November 2021 release of the IOC Framework on Fairness, Inclusivity and Non Discrimination on the Basis of Gender Identity or Sex Variation¹, on data collected on Skaters, on discussions and exchanges between medical experts, sports physicians and other IFs, the ISU has established this Transgender Policy to define the conditions enabling Transgender Skaters to compete in ISU Championships (Rule 107, paragraph 1) and the International Competitions listed in Rule 107, paragraphs 3-14, in the category of competition that is consistent with their gender identity.

The term “**Transgender**” is used in this policy to refer to individuals whose gender identity (i.e. how they identify) is different from the sex assigned to them at birth (whether they are pre- or post-puberty, and whether or not they have undergone any form of medical intervention).

All cases arising under this policy, and in particular all Skater information provided to the ISU under this policy, and all results of examinations and assessments conducted under this policy, will be dealt with in strict confidence at all times. All medical information and data relating to a Skater will be treated as sensitive personal information and the ISU will ensure at all times that it is processed as such in accordance with applicable data protection and privacy laws. Such information will not be used for any purpose not contemplated in this policy, and will not be disclosed to any third party save (a) as is strictly necessary for the effective application and enforcement of this policy; or (b) as is required by law.

Criteria

The following criteria must be followed when determining eligibility to compete in male and female competition:

- Those who transition from female to male are eligible to compete in the male category without restriction, provided that a written and signed declaration, that his gender identity is male, is given to the ISU. The ISU will issue a written certificate to validate the Skater's eligibility to compete as a Man in the Competition as defined above.

For the avoidance of doubt, a female-to-male Transgender Skater will not be eligible to participate in the Women's category in these Competitions once they have commenced hormone treatment.

¹ https://stillmed.olympics.com/media/Documents/News/2021/11/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf?_ga=2.238968390.795200827.1638455529-806598109.1620741418

➤ Those who transition from male-to-female are eligible to compete in the female category under the following conditions:

- I. The Skater has declared that her gender identity is female. The declaration cannot be changed, for sporting purposes, for a minimum of four years.

The Skater must demonstrate that her total testosterone level in serum has been below 5 nmol/L continuously 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).

- II. If the above eligibility conditions have been met, the ISU will issue a written certificate to validate the Skater's eligibility to compete as a Woman in the Competitions as defined above.
 - i. The Skater's total testosterone level in serum must remain below 5nmol/L throughout the period of desired eligibility to compete in the Women's category.
 - ii. Compliance with these conditions may be monitored by testing. In the event of non-compliance, the Skater's eligibility for Women's competition will be suspended for 12 months.

Monitoring

The ISU may monitor a Skater's compliance with the Transgender eligibility conditions at any time, with or without notice, whether by random or targeted testing of the Skater's serum testosterone levels (and the Skater agrees to provide serum samples for this purpose, and also agrees that any samples provided for anti-doping purposes and/or any anti-doping data relating to her may also be used for this purpose), or by any other appropriate means.

Limitation

Once a Transgender Skater has satisfied the eligibility requirements and has started participating in the Competitions as defined above in the category of competition consistent with his/her gender identity, he/she may not then switch back to participating in the other gender category in these Competitions unless and until (a) at least four years have passed since the first Competition as defined above in which he/she participated as a Transgender Skater; and (b) he/she satisfies all of the conditions for eligibility to compete in the other gender category.

Nothing in this policy will be deemed to permit, excuse or justify non-compliance with the World Anti-Doping Code, the WADA International Standards, the ISU Anti-Doping Rules and ISU Anti-Doping Procedures, including (without limitation) any requirement for a Skater to obtain a Therapeutic Use Exemption for the use of a prohibited substance, such as testosterone.

Ethics

The dignity of every individual must be respected.

All forms of abuse and/or harassment are prohibited.

This Policy is in place for the protection of women in sport and the promotion of the principles of fair competition.

The eligibility conditions established in these Regulations are driven solely by the desire to guarantee fairness and safety within the sport.

In no way are they intended as any kind of judgement on or questioning of the gender identity or the dignity of any Transgender Skater.

To avoid discrimination, if not eligible for Women's competition the Skater should be eligible to compete in Men's competition.

Application by ISU Members

It is recommended that each ISU Member adopts its own regulations to determine the eligibility of Transgender Skaters to compete in events taking place under its own jurisdiction.

At the level of national events, it is recommended that these Regulations be followed. At lower levels, however, less stringent eligibility requirements may be imposed, where appropriate. For the avoidance of doubt, however, anything that the ISU Member does, or does not do, at national level will not affect the eligibility of Transgender Skaters to compete in International Competition. That will instead be determined exclusively by reference to this ISU Policy.

Validity of the policy

This ISU Transgender Policy will be subject to periodic review to take account of any relevant scientific or medical developments and may be amended at any time by the ISU.

Tubbergen,
December 2, 2021
Lausanne,

Jan Dijkema, President

Fredi Schmid, Director General